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PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

The Mysore ~~Newspaper~~ Press and Newspaper Act 1941

Select committee Report

Discussions in the R A & L C

expression the definition may be changed as thu

"undeclared press" means any press in respec of which there is not, for the time being, a valic declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore."

Permission to publish.

3. This section to be deleted and the subsequent sections to be re-numbered consequently.

CONTROL OF PRINTING PRESSES & NEWSPAPERS.

Deposit of security by keepers of printing presses.

Sections 4, 5 & 6 apply to Printing Presses. But practically, the same principles apply to the Newspaper proprietors as well.

Mr. C. HAYAVADANA RAO.- By fixing the maximum/at Rs.3,000/- of the security amount, Government will be effectively shutting out the starting of a newspaper.

CHAIRMAN.-This applies only to printing presses and even there, it is said "may require".

Mr. C. H. RAO.-It is a common ground so far as declaration goes whether printing press or newspaper press.

CHAIRMAN.-Supposing a man starts a printing press which has nothing to do with newspapers; and where the proprietor has, for the time being, no intention of printing a newspaper. Why /Should he be required to furnish security? Supposing there is 'X', about whom there is no antecedent history or again whom you know nothing. Why should we demand a security from him? The premises are that he is starting a printing press. Nobody has offered him the patronage of printing a newspaper. Why should you ask him for a deposit? Supposing afterwards a newspaper has to be printed there, then it will be time enough to require him to furnish security.

Mr. Mirle N. LAKSHMINARANAPPA.-It is only "for reasons to be recorded in writing" that security can be demanded. A keeper of a printing press may include a person with good antecedents or bad antecedents or with no antecedents. So, the discretion to demand the security is vested in the licensing ϕ Magistrate.

CHAIRMAN.-A person comes to make a declaration for opening a printing press. The Magistrate has got the power to demand a security from him immediately./ That is the effect of this provision. Where is the need for it/ at this stage?

Mr. Mirle N. LAKSHMINRASAPPA.-Supposing there is a Who has no bad history, B has a history and C has a good history. If the power is not give to the Magistrate at that stage, then when is it to be given?

CHAIRMAN.- It may be provided under some other section. So far as the printing press goes, when it comes to the notice of the Magistrate that a newspaper of a character which is questionable is going to be printed in that press, i.e., at a later stage, he may demand the security.

Mr. H.V. RAMASVAMI.-According to Torts "Every dog is entitled to a first bite!".

Mr. HAYAVADANA RAO.-When we are making a law, we must try to see the difficulties. It is not the Magistrate's discretion here. A thing that you can do is a thing to be taken as ~~exercise~~ capable of being done. Our object is to consider the bill in the light of modern requirements. An initial investment on the part of the pressman of a thousand rupees (for the security) in addition to his other capital expenditure

expenditure for starting a press for doing printing work of an obviously innocuous matter, will work as a hardship.

4 (2). CHAIRMAN.-This sub-section deals with the refund of security. This makes it still more unnecessary to require the security. Why receive and refund?

The Magistrate himself has no discretion to retur the money. This discretion as to whether any action should be taken against a press or whether money should be refunded rests with Government. They have got to examine the history of every printing press before refunding the security.

(3) The following verbal alteration may be made in this sub-section. For the words--

> "in respect of which security under the provisions of this Act has not been required,..."

substitute the words:

> "in respect of which no security under the provisions of this Act has been required,....."

Mr. MIRLE N. LAKSHMINARANAPPA.-Sec. 4 (1) gives discretion to the Magistrate, in the case of persons who have bad history, to demand security, without the Government stepping in.

Mr. C. HAYAVADANA RAO.-A man may be prosecuted in British India, and have his press alsc confiscated. He starts another press. Immediately that was done, he had to depesit the security. It was all done under an Emergency Act then. Subsequently, they made it an ordinary law.

CHAIRMAN.-We are not enacting this law under any extraordinary circumstances. The moment he does an overt act open to objection, you can call upon him to furnish the security. Why not allow the declaration to be a free declaration in all cases? That is the suggestion made in the Assembly and the Council.

Mr. C. HAYAVADANA RAO.-If he does an overt act, there will be time enough to book him. If/A man whose press has been confiscated, goes and starts a press to make a living, why make it impossible for him to do so? He has purged the offence. What we suggest is, let there be no restraint fx even for doing an honest thing which he may be presumed to do.

Mr. K.R. SUBBANNACHAR.-I also feel that such a person should be given a chance and the question of security need not come in the first stage.

Mr. MIRLE N. LAKSHMINARANAPPA.-Is it not more expedient that the Magistrate should make the order and not the Government?

CHAIRMAN.-The money goes back after 3 months. If he commits the offence, Govt. have got to make the demand whether it is a measure of popularity or not.

What we have to aim at is that when the press is used for the purpose of publishing something which is objectionable, there should be power to proceed against it.

Mr. F.A. HAMILTON.-Supposing a man want to open a press for the purpose of

aiding a betting campaign, is the Magistrate not bound to demand security?

CHAIRMAN.-This bill won't apply to such a case. It will come under the Betting Act. We are not providing to meet all kinds of trouble but only with the kind of trouble connected with the publication of news.

Mr. F. A. HAMILTON.-This bill/ seems to apply only to printed matter but not to manuscripts, typewritten statements, and so on.

CHAIRMAN.-This deals with all materials used for multiplying of copies. To make that point clear, we will add this point in the definitions of "book" and "Document", by including therein the expression ~~thand~~ 'type-written or hand-written.'

The point whether the Magistrate should take power to demand security at the early stage may be reserved for further consideration.

Mr. HAYAVADANA RAO.-The amount fixed for security deposit is very ~~high~~ heavy. The economic status of the people here is very low. There are very few printing presses which are in a position to find such a heavy sum.

CHAIRMAN.-We shall deal with the figures later on. They appear in several stages.

Sec. 5.-The first para may be numbered as sub-clause (1).

In sub-clause (b), in the last but one line, substitute the word 'tend' for the word 'end'.

In sub-clause (d), whether the words "States in friendly relations with Mysore" have to be included or not -- to be examined.

In the operative portion of Cl. 5, in sub-clause (ii), insert the words "has been demanded but" between the words 'security' and 'has' in the 1st line.

In the same sub-clause, the clause beginning with the words "and may also declare .....to be forfeited to Government" may be shown as a separate para so as to make it application to both class of cases in (i) and (ii).

This provision is intended evidently for some emergent action. Even as emergent action, you can keep the reserve power and also provide for an alternative. So we may say

"(ii) where security has been demanded but has not been deposited, call upon the party to deposit the security under Sec.4 (3), or declare the press to be forfeited to Government,

and may also declare all copies ....to beforfeited to Government."

In sub-section (1), only the security is forfeited. Whereas under sub-section (ii) the press itself is forfeited straight off. I think we must treat all cases alike.

The advisability of having a higher power without resorting to a lower power of demanding security to be considered. It may not be justified on its merits.

Mr. MIREL N. LAKSHMINARANAPPA.-They cannot forfeit the press unless they have taken the intermediate step of demanding a security. Sec. 5 deals with only cases where the security has been ordered It does not apply to cases where deposit has not been ordered.

Mr. HAMILTON.-Section 5 does not seem to contemplate the main offence. Where no security has been ordered, and where the press has been declared without security, this won't apply. The object of the legislature should be easily understood. I suggest that in this case, you may provide for the demand of a security before thinking of forfeiting the press.

Mr. MIRLE.-This refers to cases where security has already been ordered to be deposited. Moreover, this does not apply to cases where a person has committed an offence which entails merely the forfeiture of security.

CHAIRMAN.-This point would be clearer if the wording in Cl. 5 (1) is made more specific by deleting the words "ordered to be" in line 3. The expression "ordered to be deposited" is very restrictive in its use. I think the principle of the bill is first demand a security and then only at the last stage, think of forfeiture of the press.

The Section will have to be split up into two (1) dealing with cases where security has been deposited; and (2) dealing with cases where the deposit has been ordered but not deposited.

Mr. C. HAYAVADANA RAO.-Instead of forfeiting the entire press, why not say "the entire press or a part of the press", so that only commensurate punishment is provided for. There may be a press worth Rs.5 lakhs. There is no object in locking it

Sec. 5 (2).-In line 2, substitute the words "sub-section (i) or sub-section (ii), for the word sub-section (1).

Sec. 6 (1) & (2).- Whether the annulling of declaration under this Sec. will apply to both cases has to be further scrutinized. The Govt. Advocate holds that the forfeiture of security implied also the annulling of the declaration. He says: When once you forfeit, it is no longer his property. But when it is given back, it is a gift. In any case, a fresh declaration has to be made in each case. They will apply only to cases where security has been forfeited. In the other case where the press itself is forfeited, all his civil rights will be forfeited. So annulling of declaration has to apply toboth cases.

What is the effect of forfeiture of a press? Does it involve the loss of all property rights?

What is the legal significance when the Government gives it back? Does it not involve a return to status quo ante?

PROVISIONAL DECISION.- The title of the Bill may be kept as it is now.

The Select Committee will be glad to elicit opinion from select owners of newspapers and owners of printing presses. The Editor Tai Nadu, is expected to furnish a list. Mr. Hayavadana Rao also has promised to give his suggestion in this behalf.

Abstract proceedings of the 2nd Meeting of the Select Committee on the Mysore Newspaper Bill, held in the First Member's Chambers on 9th December 1938.

P r e s e n t.

1. Rajamantrapravina S.P.Rajagopalachari, B.A.B.L.(Chairman)
2. Khan Bahadur Mahomed Abbas Khan.
3. Rajacharitavisarada Rao Sahib C.HAYAVADANA RAO, B.A., B.L.,
4. Mr.P. Subbarama Chetty
5. Mr B.S. Puttaswamy, B.A., B.L.,
6. Mr. K.R.Subbannachar, B.A., LL.B.,
7. Mr. H. V. Ramasvami, B.A., B.L.,
8. Rajakaryaprasakta B.T. Kesavaiengar, B.A.,
9. Mr. Mirle N. Lakshminaranappa, B.A., LL.B.,

Jam C. Girimaji Rao

A b s e n t.

Mr. F. A. Hamilton, C.I.E.,

The minutes of the previous meeting were read and confirmed.

Mr. K.R. SUBBANNACHAR enquired whether the Committee would be examining any witnesses such as the representatives of the Press as contemplated at the previous meeting.

The CHAIRMAN replied that the original idea was to invite two such representatives, viz., (1) Mr.P.R.Ramaiya, Editor of the "Tai Naud", and (2) a Member of the local Journalists' Association. But subseqquently, it was found that the former gentleman had an apprehension that if he came and gave evidence before the Committee, it would be taken as if he acquiesced in the enactment of the new Act and as such, he was not very keen about being examined by the Select Committee. As regards the Journalists' Association, it was already represented in the Committee by its President (Mr.C. Hayavadana Rao). Thus he said that the Select Committee were left to get on with their ~~own unaided intellect and resources.~~ help.

The first 7 clauses which related to the Printing Press having been dealt with at the previous meeting, the remaining clauses were considered one by one.

Clauses 8 to 11 inclusive related purely to Newspapers.

Re. Cl. 8, Mr. P. SUBBARAMA CHETTY pointed out that under the existing Act, there was no provision for depositing a security by the publisher of a newspaper but such a provision had been included in the revised Act. At a time when the public and the press people were looking for a lenient legislation, the inclusion of this provision would make the Act more severe. He felt that no drastic provision which was not already found in the existing Act should be included and in that view, he suggested the dropping of Cl. 8.

The CHAIRMAN explained that the Bill was in two important respects an improvement over the existing legislation. First, the essence of the old Act was that permission of Govt. had tobe obtained before the publication of a newspaper; and this provision was dropped in the new Bill. Secondly, the penalty of deportation fixed in certain cases under the existing Act had been deleted in the new Bill and imprisonment substituted therefor.

As regards the suggestion to drop cl. 8, the CHAIRMAN reminded the member that the Select Committee could not change the general principles of the bill which had been approved by the legislature, but that it was open to it to suggest improvement in any of the clauses to make the law less burdensome and less severe

A newspaper publisher making a declaration might be required by the Magistrate to deposit a security and if the former failed to do so, certain consequences would follow. If, after depositing the security, the newspaper printed any matter which was prohibited under Sec. 5 (1), then the security would be forfeited and fresh security could be demanded for continuing the publication of the newspaper.

Another redeeming feature in the Bill was that any order passed by the Government under it the Act was open to appeal or revision by the High Court. This was a safeguarding provision.

The CHAIRMAN also drew pointed attention to the fact that the Bill closely followed the provisions of the British Indian Act which was in force in Congress provinces also.

Mr. P. SUBBARAMA CHETTY next put up a strong plea for mitigating the severity of the pecuniary penalties as also the initial deposit under Cl. 4, required from Printing Presses.

The CHAIRMAN observed that when a law was being framed for the safety of the State, the punishment provided for must be commensurate with the gravity of the offences committed. In that view, he said that the ends of justice could not be met by providing for a nominal fine in certain cases.

As regards Cl. 11 (2), Mr. C. HAYAVADANA RAO remarked that the effect of that sub-clause was to go back to a principle which was sought to be given up under the new bill, viz., of having to obtain Govt's permission for starting a newspaper.

Having once for all done away with that restriction imposed by Cl. 3 under the old law, he thought that the same principle should not be imported into the new bill in an indirect way. In that view, he urged for the deletion of Cl.11 (2).

The CHAIRMAN said that the principle in this clause had nothing to do with the principle of Cl. 3 according to which no newspaper could be started without the previous permission of Government. When the publisher of a newspaper had misbehaved a second time, the choice whether his fresh declaration for the third time should be accepted or not was left not to the Magistrate but to the Government. The difference between the two was very broad. The first one had laid down that no paper shall be started without the Government's permission; whereas in the proposed law just as it had been provided that Government alone could take action to order forfeiture of security (and not the Magistrate), similarly, whether his declaration for the third time should be accepted or not should be left to the Government.

Mr. HAYAVADANA RAO enquired if the forfeiture of his security on two previous occasions was not a sufficient penalty already undergone by him.

The CHAIRMAN replied that in times of excitement, even the forfeiture of security might not have the desired effect.

Mr. HAYAVADANA RAO again contended that when commesurate punishment had already been given for an offence, it would be unjust to inflict fur-

further punishment.

The CHAIRMAN thought that such a person deserved to be deprived of theright to publish a newspaper, just as a convicted person was deprived of the right of membership to Constitutional Bodies. His defence was that the Magistrate had no power to refuse registration; he could only demand a security. At a stage when a person convicted twice came up for making a fresh declaration, the question was whether he should be given automatically the power to declare again. It had been found sometimes that pecuniary penalties did not produce the desired effect. The object of this legislation being to control the newspapers, he asked whether Government could sit quiet without providing adequate safeguards in the new legislation.

By way of illustration, he instanced the case of "the Prajamatha" which had been appearing in the name of several editors as a result of the ban imposed on it by the Mysore Government, and added that in the case of an editor whose securities had been forfeited twice, if the same offence was repeated, there was every justification for requiring him to obtain the permission of Govt. for re-starting the paper.

Mr. HAYAVADANA RAO again remarked that the clauses dealing with both printing presses and newspapers were rather vicarious.

The CHAIRMAN corrected the member by explaining that two classes of cases were being dealt with under Cl. 12 to 15, viz., one was the printing press and the other the newspaper. The printing press whether it published a newspaper

or some other pamphlet or book might get into trouble. As for the newspaper, the Press and Registration of Books Act did not prescribe declaration either by the so-called owner or editor but by the publisher. The printing press was simply an agency which was hired for the purpose of printing and the prohibition under Section 12 might apply only in the matter of the Press printing a particular newspaper.

Mr. HAYAVADANA RAO pointed out that in India in 99 % of the cases, the publisher of a newspaper was also the printer and certain newspapers also owned the press--the publisher of a newspaper qua printing press itself.

The CHAIRMAN replied that though the person might be one, he would be dealt with under two different Sections of the Act. But it was not a necessary concomitant for a newspaper man to own a press.

Mr. HAYAVADANA RAO still held to the view that the provision depriving the newspaper-man of the right of making a fresh declaration was too drastic and must be deleted. There was an Austrian tinge about it.

THE CHAIRMAN refuted the remark by pointing out that it was merely a transfer of the jurisdiction from the Magistrate to the Government so far as the declaration was concerned. He added that it was not correct to leave the law under inchoate state.

Mr. As a compromise, Mr. HAYAVADANA RAO proposed that after the lapse of one year from the date of annullment, a further declaration might be allowed to the published and that sub-clause (2) might be modified suitably.

The CHAIRMAN replied that he was not convinced that the modification proposed was less drastic. Under the existing provision in the Bill, the limit of one year too might not be necessary as the Government might ~~be~~ grant the permission within a few months after the annullment.

Mr. HAYAVADANA RAO said that his only objection was for bringing in the doctrine of permission of Government again by a converse way.

The CHAIRMAN enquired whether the member wanted to provide for a series of declarations before the Magistrate with increasing forfeitures of securities--putting fresh applications every time--and making the law ridiculous. If that was the member's feeling, he pointed out that he should have opposed the provision in the Legislative Council itself.

Mr. HAYAVADANA RAO replied that there was no need/to stick to the letter of the British for Mysore Indian law, as the conditions under which it was framed in British India were entirely different. He was only trying to moderate the provisions in the bill.

The CHAIRMAN observed that the Mysore law, if at all, must be more drastic considering the existing circumstances but that Govt. were content with the provisions as they were in British India. He was afraid that the effect of Mr. Hayavadana Rao's suggestion would give rise to series of action which from the administrative point of view would be undesirable.

The general sense of the Committee was to accept the clause as it was in the Bill.

Clause 12 (2)--Reference to 'permission of Govt. under section 3' to be deleted.

Clause 13 to Cl. 17---Approved.

Clause 18 (3).-Mr. P. SUBBARAMA CHETTY suggested that before forfeiting the press, an opportunity might be given to the keeper to correct himself.

The CHAIRMAN explained that these provisions ~~é~~ were intended for times of emergency and sensation. A declared press could be bad enough and an unauthorised news-sheet printed in an undeclared press could do worse harm.

Clause 20.- Mr. P. SUBBARAMA CHETTY enquired why the editor and publisher be prosecuted and convicted in a court of law.

The CHAIRMAN replied that the seizure of the press, etc., was the first step preliminary to taking further action, and applied to newspaper, book, etc., wherever made.

Clause 21.- In answer to the Govt. Advocate the CHAIRMAN said that the implications of this clause might be examined more fully later on-- There were two Sections in the British Indian Act (1) to seize the article in the Customs House, and (2) to seize them in the Post Office before transmission. As it was understood that some of the North Indian States enjoyed some rights in this matter, the question needed to be examined separately.

Clause 23.- As regards the querry of the Govt. Advocate about the significance of the term "Special Bench" of the High Court, the CHAIRMAN

replied that it meant that the application would be heard by a Bench specially constituted by the Chief Justice considering the importance of the case, and that there was no convincing argument for deleting the word "Special" as suggested by him.

Clause 19.- Mr. C. HAYAVADANA RAO proposed the addition of the word "knowingly"in this clause so that any party acting bona fide might not be penalised. There were street lads entrusted with the distribution of newspapers, etc., who might know nothing of the unauthorised nature of the matter they were distributing and it would be a hardship to bring them under the clutches of the law for their ignorance of a fact. While admitting that one had to be careful in working the law, he said that bona fide mistakes should not be met with severe punishment.

The CHAIRMAN explained that if the above suggestion were adopted, the very object of preventing the circulation of unauthorized news-sheets would be frustrated. The people who wanted to disobey the law would organise their campaigns seeing the loop-holes. There need be no doubt that the Magistrate would be sufficiently careful in giving effect to the provisions of the law and very often would let off such street lads with a warning. Moreover, after evading all the provisions about declaration, security, etc., a person should not be left free to distribute unauthorised news-sheets.

Mr. K.R. SUBBANNACHAR said that each clause should not be considered apart from the setting of the entire Act. By reading it with the other clauses he did not see the necessity to add the word 'knowingly' as suggested

Proceeding, Mr. SUBBANNACHAR suggested the addition of a provision making it obligatory on the part of the publishers of various outside papers finding circulation within the territory of Mysore to telegraph to the Government of Mysore an advance copy of the "Mysore news". Secondly, he also wanted to provide for efficient control over the local correspondents of outside papers so that disciplinary action might be taken against them when they sent unauthorised news for publication.

The CHAIRMAN pointed out that Government had already the power to ban the entry of any news-paper into the State whenever circumstances warranted such a course. As regards the specific suggestion of the member, he said that it could be considered only if he could put it in the form of a clause which would come within the frame-work of the bill.

Clause 1.-The short title of the proposed Act was changed to read as "THE MYSORE PRESS AND NEWSPAPERS ACT, 1939."

PECUNIARY PENALTIES.

The pecuniary penalties provided in the various clauses were altered as follows:

Initial Deposit: Clause 4(8) of the Committee Five members were in favour of retaining the maximum at Rs.1,000/- while 4 wanted to fix it at Rs.500/- (the Chairman not voting).

After further discussion, it was agreed to fix it at Rs.750/-.

First Offence.- Clauses 5 (1) & 9 (1) The bill provided for a minimum of Rs.500/- and a maximum of Rs.3,000/-. These figures were altered as Rs.500/- to Rs. 2,500/-.

Second Offence. The existing minimum of Rs.1,000/- was retained and the maximum reduced from Rs.10,000/- to Rs. 7,500/-.

Before taking leave, Mr. K.R. SUBBANNACHAR & Khan Bahadur MAHOMED ABBAS KHAN expressed their grateful thanks and gratitude for all the good work done by the Chairman (Rajamantrapravina S.P. Rajagopalachari) as a Member of Government. ~~for the administration.~~ They felt that the Chairman had left an indelible mark on the administration.

Mr. S.P. RAJAGOPALACHARI thanked the members heartily for their good wishes.

The meeting came to a close at 5.10 P.M.

Select Committee Report.

We the members of the Select Committee to which the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honour to submit this, our report.

We recommend that the preamble may be changed as follows:-

"Whereas it is expedient to amend the law providing for the control of the publication of newspapers and other printed works containing public news; it is hereby enacted as follows:-"

Clause 1: The title of the Act may be changed into "The Mysore Press Act" to indicate the comprehensive nature of the Act.

Clause 2:- The Bill is intended to apply to matter published by any means even though it may be written or typewritten. To make this clear the words "whether printed, handwritten or typewritten" may be added at the end of sub clause (2).

Paragraph (c) of sub clause (8) of this clause may be omitted as clause 3 is proposed to be omitted.

Sub clause (10) may be changed as follows so as to be in the affirmative form rather than the negative,-

"(10) "Undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.".

Clause 3:- This may be omitted and the subsequent clauses renumbered in view of the promise made in the Representative Assembly.

Clause 4:- In sub-clause (3) of this clause for the words "in respect of which security under the provision of this Act has not been required", substitute the words "in respect of which no security under the provisions of this Act has been required".

Clause 5:- In order to make the meaning clear it is desirable that sub clause (1) of this clause is split up with two sub clauses, one dealing with cases where security ~~xxxx~~ has been deposited, and the other dealing with cases where the deposit has been ordered, but not deposited. We accordingly recommend that the clause may be altered as follows:-

"5 (1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under Section 4, (1) or (3) and has been so deposited, is used for the purpose of Printing or Publishing any newspaper book or other document containing any words, signs or visible representations which —

~~(a) to (i) as in Bill~~ ;

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof, be forfeited to Government.

Explanations (1) to (iv) as in Bill.

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly-

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of any land revenue,

tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(i) to ~~xxxxxx~~ prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion ~~all~~ are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation.(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the

administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King-Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

/

~~5(2) as in Bill.~~

~~5~~(3) Whenever it appears to Government that any Printing Press, in respect of which any security has been ordered to be deposited under ~~5~~ section 4(1) or (3) and has not been so deposited, is ~~and~~ used for the purpose of Printing or Publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in Section 5, Sub Section (1), the Government may by notice in writing to the keeper of such Printing Press stating or describing such words signs or visible ~~xxxxxxxxxxxxxx~~ representations which in its opinion ~~all~~ are of the nature mentioned above declare the Press to be forfeited to Government.

~~5~~(4) The Government may, in addition to forfeiting the deposit or any portion thereof under 5(1), or forfeiting the Press or any portion thereof under 5(3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

Select Committee Report.

We the members of the Select Committee to which the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honour to submit this, our report.

We recommend that the preamble may be changed as follows:-

"Whereas it is expedient to amend the law providing for the control of the publication of newspapers and other printed works containing public news; it is hereby enacted as follows:-"

Clause 1: The title of the Act may be changed into "The Mysore Press Act" to indicate the comprehensive nature of the Act.

Clause 2:- The Bill is intended to apply to matter published by any means even though it may be written or typewritten. To make this clear the words "whether printed, handwritten or typewritten" may be added at the end of sub clause (2).

Paragraph (e) of sub clause (8) of this clause may be omitted as clause 3 is proposed to be omitted.

Sub clause (10) may be changed as follows so as to be in the affirmative form rather than the negative,-

"(10) 'Undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.".

Clause 3:- This may be omitted and the subsequent clauses renumbered in view of the promise made in the Representative Assembly.

Clause 4:- In sub-clause (3) of this clause for the words "in respect of which security under the provision of this Act has not been required", substitute the words "in respect of which no security under the provisions of this Act has been required".

Clause 5:- In order to make the meaning clear it is desirable that sub clause (1) of this clause is split up with two sub clauses, one dealing with cases where security has been deposited, and the other dealing with cases where the deposit has been ordered, but not deposited. We accordingly recommend that the clause may be altered as follows:-

"5 (1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under Section 4, (1) or (3) and has been so deposited, is used for the purpose of Printing or Publishing any newspaper book or other document containing any words, signs or visible representations which —

~~(a) to (i) as in Bill~~ ;

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof, be forfeited to Government.

Explanations (1) to (iv) as in Bill.

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly-

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of any land revenue,

tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(i) to ~~xxxxxx~~ prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion ~~all~~ are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation.(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the

administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

~~5(2) as in Bill~~.

5(3) Whenever it appears to Government that any Printing Press, in respect of which any security has been ordered to be deposited under Section 4(1) or (3) and has not been so deposited, is ~~and~~ used for the purpose of Printing or Publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in Section 5, Sub Section (1), the Government may by notice in writing to the keeper of such Printing Press stating or describing such words signs or visible ~~xxxxxxxxxxxxx~~ representations which in its opinion ~~all~~ are of the nature mentioned above declare the Press to be forfeited to Government.

5(4) The Government may, in addition to forfeiting the deposit or any portion thereof under 5(1), or forfeiting the Press or any portion thereof under 5(3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

4 copies

Select Committee
Report

[illegible] the members of
the Select Committee
to which the Bill
Newspapers &c.
Libraries Referred
have considered
the several Clauses
of the said Bill and
now the honour to
Submit this, our
Report :-

We recommend
that the preamble
may be changed
as follows :-

Whereas it is
expedient to amend
the laws provided
for the Registration of
the publication of
Newspapers and
other printed Books
Containing Public
News ; It is hereby
enacted as follows

Clause 1. That in lieu
of the Act mentioned
be changed into

"the Nigerian Press Act".
to include the comprehensive nature of the Act.

Clause 2 — Paragraph (b) of sub clause (8) of this clause may be omitted as Clause 3 is proposed to be omitted.

Sub clause (10) may be changed as follows so as to be more appropriate form drafting from the Nigerian Act.

(10) "unpublishable press" means any press in respect of which there is not, for the time being, a valid declaration under S. 4 of the Press and Registration of Books Act, 1947, as in force in Nigeria".

The Bill is limited to apply to matter published by any means even though it may be written or typewritten. To make this clear the words "handwritten or typewritten" may be added at the end of sub clause (10).

Clause 3. This may be omitted and the subsequent clauses renumbered in view of the provisions made in the R.A.

Clause 4 In sub clause (3) of this Clause for the words "in respect of which security under the provisions of this Act has not been required" the words "in respect

of which no security under the provisions of this Act has been required,"

Clause 5. In order to make the meaning clear it is desirable that sub clause (1) of this clause is split up into two sub clauses, one dealing with cases where security has been deposited and the other dealing with cases where the deposit has been ordered, but not deposited. I am accordingly recommending that the clause may be altered as follows:—

Serial No.

Control of ~~Printing Presses and Newspapers~~.

~~4 as in Bill~~

(1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under S 4. (1) or (3), and has been deposited, is used for the Purpose of Printing or Publishing any newspaper book or other docet. Containing any words, signs or visible representations which

(a) to (i) as in bill

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such Security or any portion thereof, to be forfeited to Government.

Explanations (1) to (10) as in Bill.

~~5(1) as in Bill.~~

5(2) as in Bill

5(3) Whenever it appears to Government that any Printing Press in respect of which any security has been ordered to be deposited under S 4 (1) or (3) and has not been so deposited, is used for the Purpose of Printing or Publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in Section 5 Sub Sn (1). the Government may by notice in writing to the keeper of ~~the~~ such Printing Press stating

NOTE.—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

or describing such lands signs or writtn representations which in his opinion are of the nature mentioned above declare the same ~~or any portion thereof~~ to be forfeited to Government.

~~5(3) 5(2) of the said Act.~~

6(11). The Government may ~~also~~ in addition to forfeiting the deposit or any portion thereof under 5(1) or forfeiting the sum or any portion thereof under 5(3), also declare all Copies of such newspaper, book or other document wherever found in respect to be forfeited to Government.

Between 1925
Rush. 1935.

Objections and Suggestions
to the Press Bill

R. A.

Mrs. C.N. Allen writing in Reno

Do not object newspapers advertising the securities that may be demanded as too heavy.

The offences punishable are not well defined.

W. Hammond Hodges

Securities are high may be forfeited every number of time. Heavy orders will be based on police reports

Reynolds

Powers are left the executive & not to the Courts. Is this all the powers.

Bernard Rowles

It will give an handle to the police to harass the editors.

Pickard

This is more stringent than the existing law.

Reynolds Reporters

This is very hard

Bernard Rowles

Court has no power to suspend licence Executive is bound by power Jewse what is the offence.

Manjapara Narayana

A licence fee may be levied or permission granted without any further restriction.

Bhupalam Chandrasekhara Setty:- Security may be demanded before licence was issued. Magistrate given more powers. Position in Mysore is different from Br. India.

D. Venkatramanappa

Security may be fixed as low as possible.

Atmakur Narasimha Rao

The Act is criticised as it works & should be so directed.

K. T. Bhashyam Requires more stringent than present law. Permission to arm is unnecessary.

Newspapers may be required to take licences from magts, but the objection was to the powers of the police. Security, one hearing & there is no reason why security should be demanded before offence is committed. S-(d) & (f) are vide and clause should work uniformly S-(g) was not necessary.

A. N. Rao vs Rao

Section about security may be deleted. S(d) should be modified. High court must have appellate power.

matter in reply promised to delete S.3 and to examine in S.6 whether the Securities might be heavy & if they could be reduced. Will also if other changes regarding modification to make them stringent

L. C

D. S. Malaviya Re rule

the workers of the newspapers, who are adversely affected by the demand for security in the lower courts

Suggestions

circumstances under which magistrate may in the first instance demand security are not defined. To demand security at the very beginning is bad.

Practice in appeals

Through S. 3 in the bail S. 4 remains.

C Haryana draft Rule

Provisions re-securities should be examined and safeguards alternatives suggested

B. Simultaneous inquiry

5(a) The department can publish reports. Delete direction to "indirectly". There is no provision that it is upto to the executive

D. V. Commissioner

The words "to" after order 5(4) is objected to in regard to the words demands of security. conduct of mischievous propaganda must be provided for by other means, by amending existing penal laws. The question of making provisions for enquiry having proper conduct may be considered by a committee

Statement of general principles
of the
Mysore Newspaper Bill.

The ~~question of the~~ repeal of the Newspaper Act, 1908 ~~is being repeatedly~~ has been several times urged ~~raised~~ in the Representative Assembly and the Legislative Council. ~~When the question was again pressed~~ A request was made in the Representative Assembly at its last ~~xxx~~ Dasara Session, Government ~~their~~ willingness to replace ~~it by another~~ the present Act by an Act that the present Act may be repealed and the provisions of the Bombay Act placed on the Statute Book on nearly the same lines as the law in force in British India and this Bill has been duly prepared ~~in accordance with that promise~~.

The main principles of the bill are as follows:-

1. The permission of Government must ~~first~~ be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made ~~can~~ may demand security either from the keeper of the press or from the publisher of the Newspaper under certain circumstances.

Government can forfeit the security of the press.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition etc., declare the security forfeited or, where no security is deposited,

declare the press to oe forfeited, and the declaration made under tne Press and Registration of 3ooks Act, shall oe ~~cancelled.~~ annulled.

4. Where tne security has oeen forfeited any person making a fresh declaration in respect of sucn press or newspeper snall deposit a security of a larger amount.

5. If tne press or the newspaper is again used for printing or puolisning oojectionaole matter, tne Government may forfeit the further security and the fresh declaration shall oe ~~cancelled~~ annulled. No further declaration in respect of such newspaper shall oe made save witn tne permission of the Government.

6. Failure to deposit security which is ordered is suoject to the same penalty as tne one to which the person would oe liable for failure to make a declaration under the Press and Registration of 3ooks Act.

7. Where a press or copies of a newspaper are declared forfeited a magistrate may authorise tne Police to search for and seize ~~such property~~ theen.

8. Unauthorized news/sheets or newspapers may oe seized or destroyed.

9. Selling, publishing or keeping for sale or publication of ~~xx~~ any unauthorized news sheet or news paper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the order of Government demanding security either from the keeper of the press or from the publisher of a newspaper or from an order of Government ~~confiting~~ forfeiting the press or security deposited by such persons.

The bill closely follows the ~~Civil~~ Criminal Law Amendment Act of 1935, The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be annulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorise the Police to search for and seize them.

8. Unauthorized news sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorized news sheet or newspaper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the order of Government demanding security either from the keeper of the press, or from the publisher of a newspaper, or from an order of Government forfeiting the press or security deposited by such persons.

The bill closely follows the criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

[As received by the Govt. Secy.]

SG.

Objects and reasons

Statement of ~~General Principles of the~~ ~~Mysore Newspaper Bill~~.

- - -

The repeal of the Newspaper Act, 1908 has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows:-

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the press or from the publisher of the newspaper under certain circumstances.

Government can forfeit the security or the press.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 5.4.38

Signed by Mr. A.S.R.

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P 5519/Rece-one.

To

The Supt. Govt. Printing

Sir,

I am directed to forward herewith copy of the resolution Bill and to request that the matter may be set up in type & proofs sent to this office very early.

I am etc

for Govt to

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 4th April 1938.

No. P 5519
Secl. one.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Superintendent,
Government Printing,
Bangalore.

Sir,

I am directed to forward herewith copy of the newspaper bill and to request that the matter may be set in type and proof sent to this office very early.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

S.

Bill
Draft.

An Act

~~A Regulation~~ to provide for the ~~efficient~~ better control of the publication of ~~matter relating to~~ news papers and other printed works containing public news.

PREAMBLE. Whereas it is expedient to provide for the ~~efficient~~ better control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:-

SHORT TITLE EXTENT. I. (1) This ~~Regulation~~ Act may be called the Mysore News Papers ~~Regulation~~ Act, 193 .

(2) It extends to the whole of Mysore.

DEFINITIONS. 2. In this ~~Regulation~~ Act, unless there is any thing repugnant in the subject or context,-

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate ~~or a Magistrate of the First Class;~~

(4) "newspaper" menas any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5;

(6) "press" includes a printing press and all machines, implements and plant and parts thereof andall materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" ~~means~~ means--

(a) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore and

(b) any newspaper in respect of which security has been required under this ~~Act~~ Regulation, but has not been furnished as required;

(c) any newspaper in respect of which permission of Govt to publish has not been obtained or permission to which, if granted, has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore.

"3. no newspaper shall without the written permission of the Government be published and any such permission may at any time be withdrawn by the Government.

CONTROL OF PRINTING-PRESSES & NEWSPAPERS

Deposit of security by keepers of printing-presses.

(1) Any person keeping a printing-press who is required to make a declaration

declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing-press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing-press ~~kept in any place in the territories under its administration,~~ in respect of which security under the provisions of this Act has not been required, or having been required has been

has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature ~~dxxxxx~~ described in section 5, sub-section (1), the Government may, by ~~xkx~~ notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

5. (1) Whenever it appears to the Government that any printing-press in respect of which any security has been ordered to be deposited under section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which --

(a)

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any ~~xxx~~ cognizable offence involving violence, or

(b) directly or indirectly express approval or admi~~nistr~~ration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, ~~/~~the ~~Local~~ Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible ~~xxxxxxxxxxxx~~ representations which in its opinion are of the nature described above,--

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to ~~xxx xx xxxxxx~~ Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government,

and may also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation-- No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this subsection unless it has the tendency described in clause (a).

(2) After the expiry of ten days

from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

5. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section(1).

Power to declare further security and publications forfeited.

6. (1) If after security has been deposited under section 5, the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare-

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document whereever found in Mysore

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press Regulation of Books Act, 1867 as in force in Mysore shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

7. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press Registration of Books Act, 1867 as in force in Mysore may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writin to deposit with the Magistrate within ten days from the day on which the declaration

made, securi.to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in secutiri of the Government of India as the person making the deposit may choose;

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the (Local) Go ernment under section 8 in respect of such newspaper, the security shall, on a application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the (Local) Government that a newspaper published within Mysore in respect of which security under the provisions of this Regulation has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representationsof the nature described in section 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such

an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government as the person making the deposits may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security forfeited to ~~deskxxxx~~ in certain cases.

8. (1) If any newspaper in respect of which any security to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations,-

(a) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government or

(b) where the security has not been deposited annual the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867 as in force in Mysore and may also declare all copies of such newspaper, wherever found in Mysore to be forfeited to the Government.

(2) After the expiry of ten daysfrom the date of the issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the

publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867 ~~and~~ as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

9.(1) Where the security given in respect of any newspaper, or any portion thereof, is declare forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

10.(1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare-

(a) the further security so deposited or anu portion thereof, and

(b) all copies of such newspaper wherever found in Mysore

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1) the declaration madeby the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867 as in force in Mysore shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Local Government.

Penalty for keeping press or publishing newspaper without making deposit.

11. (1) Whoever keeps in his possession a presswhich is used for the printing of books or papers without making a deposit under section 3 of section 5, as required by the Government or the Magistrate as thecase may be, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Local Government or the Magistrate as the case may be, or publishes such newspaper knowing that such security has not been deposited, shall on conviction by a Magistrate be liable to the penaltyto which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and

Consequence of failure to deposit security as required.

12. (1) Where a deposit is required from the keeper of a printing press under section 3, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 5 such press shall not be so used until the deposit has been made.

(2) Where any printing-press isused in contravention of sub section (1), the Local Government may, by notice in writing to the keeper thereof, declare the press to be forefeited to His Majesty.

(3) Where a deposit is required from the publisher of a news-paper under section 7 of the deposit is not made within the time allowed,

the declaration made by the publisher under Section 5 of the Press and Registration of Books Act 1867 shall be dee ed to be annuled.

Return of deposited security in certain cases.

13. Where any person has deposited any security under this Regulation and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under Section 8 of the Press and Registration of books Act, 1867 as in force in Mysore, he may apply to the Magistrate wihin whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

14. Where any printing press is, or any copies of any newspaper, or book or other document are, declared forfeited to Government under Section 4, Section 6, section 8, section 10 or section 12, the Government may direct a

the declaration made by the publisher under section 5 of the Press and Registration of Books Act 1867 shall be deemed to be annuled.

Return of deposited security in certain cases.

13. Where any person has deposited any security under this Regulation and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867 as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of certificate.

14. Where any printing press is, only any copies of any newspaper or book or other document are declared forfeited to Government under section 4, section 5, section 10 or section 12, the Government may direct a

a Magistrate to issue a warrant empowering any Police Officer, not below the rank of Sub Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises -

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news sheets and news papers.

Authorisation of persons to publish news sheets.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a new sheet, or to publish news sheets from time to time.

(2) A copy of an order under sub section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub section (1).

Power to seize and destroy unauthorised news sheets and news papers.

16. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub Divisional Magistrate or Magistrate of the First Class may by warrant authorise any Police Officer not below the rank of Sub Inspector to enter upon and search any place where any

to enter upon and search any place where any Police Officer not below the rank of Sub Inspector or any Magistrate or Magistrate of the first Class may by warrant authorise any Police Officer not below the rank of Sub Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises -

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(2) Any District Magistrate, Sub Divisional Magistrate or Magistrate of the first Class may by warrant authorise any Police Officer not below the rank of Sub Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search any place where any

any stock of unauthorised news sheets or unauthorised news papers may be or may be reasonably suspected to be, and such Police Officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub section (1) shall be produced as soon as may be before a District Magistrate, Sub Divisional Magistrat or Magistrate of the First Class, and all documents seized under sub section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

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(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub Divisional Magistrate or Magistrate of the First Class, and all documents seized under sub section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news sheets or unauthorised nespapers, such Magistrate or Court shall dispose of them in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Power to seize and forfeit undeclared presses producing unauthorised news sheets and newspapers.

17. (1) Where District Magistrate or Sub Divisional Magistrate has reason to believe that an unauthorised news sheets or ~~xxx~~ unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any Police Officer not below the rank of Sub Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such Police Officer, any press found in such place is an undeclared press and is used to produce an unauthorised news sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised nes sheets or unauthorised newspapers.

(2) The Police Officer shall make a report of the search to the Court which issued the warrant and shapp produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the

the Police Officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this Section is an undeclared press which is used to produce an unauthorised news sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to His Majesty. If, after such inquiry, the Court is not of such opinion, it shall dispose of the press in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure 1904.

(4) The Court shall with documents produced before it under this section in the manner provided in sub section (4) of section 16.

Penalty for disseminating unauthorised news sheets and newspapers.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news sheet or news paper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, any offence shall be cognisable.

Special provisions relating to the seizure of certain documents

19. Where any newspaper, book or other document wherever made appears to the Local Government to contain any words, signs or visible representations of the nature in

Section 4, sub section

in Section 4, sub section (1), the Local Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Court and thereupon any Police Officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any Police Officer not below the rank of Sub Inspector to enter upon and search for the same in any premises where any copy allowed,

of such issue or any such book or other document may be or may be reasonably suspected to be.

Application to High Court to set aside order of forfeiture.

23. (1) The keeper of a printing-press who has been ordered to deposit security under sub-section (3) of section 3, or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within two months from the date of such order, apply to the High Court for the local area in which such order wasmade, to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

(2) The keeper of a printing-press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to such High Court to set aside the order on the ground that the press was not so used.

Hearing by Special Bench.

24. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.

Order of Special Bench setting aside forfeiture.

25. (1) It is appears to the Special Bench on an application under sub-section (1) of section 23 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 23 that the printing-press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority (if any) of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspapers.

26. On the hearing of an application under sub-section (1) of section 23 with reference to any newspaper, any copy of such news paper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

27. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orderspassed thereon, and until such rules are framed the practice of such Court in proceedings

Procedure in High Court.

other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service of notices.

28. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section of the Press and Registration of Books Act, 1867 and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of searches.

29. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898.

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arred.

30. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 23, and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act

Operation of other laws not barred.

31. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act.

Declarations under Act XXV of 1867 to be made before certain Magistrates.

32. So long as this Act remains in force, all declarations required to be made under section 4, section 5, section 8 and section IA of the Press and Registration of Books Act, 1867, shall be made, in a Presidency-town before the Chief Presidency Magistrate, and elsewhere before the District Magistrate.

Mr. C. V. KAMATH, BAO, in opposing the principle of the proposed measure stated that the complaint at the time was that the Press/law in force was as dangerous as it was brief. But the proposed law was no doubt longer but much more dangerous than the existing one. If it was enacted, it was sure to affect the newspaper press adversely. A change from the existing to the proposed law would be something like a change from King Log to King Stork. If it was passed, it would give enormous powers to the Government and any amount of trouble and harassment to the press. The vernacular press in particular was doing invaluable services to the State and the Dewan himself had paid a tribute to it on this account. The press had not given just cause for any prosecution so far.. Such being the case, the proposed legislation would be an unjustly harsh measure from the point of view of the local press. The Government had stated that this legislation had been drafted more or less on the lines of the British Indian Criminal Law Amendment Act. Under the existing law, the editor of a newspaper was required to xxxx to only before a Magistrate and file his declaration before obtaining the necessary licence. But under the proposed legislation, he would not only have to obtain the permission of Government to begin with but would also have to appear before a Magistrate subsequently and pay any security which such magistrate deemed ~~it~~ fit to demand. It showed that the proposed law went much beyond the British Indian legislation.

Continuing, Mr. NANJUNDA RAO stated that it gave little satisfaction to the local press to be told that the proposed law closely followed the Criminal Law Amendment Act in force in British India. The position of Mysore was quite different from that of British India. When the tide of nationalism was surging throughout British India, the Government which consisted of foreigners, wanted to arrest the spread of national spirit and it was with that object that some of the laws in British India were conceived and enacted. In the second place, the Criminal Law Amendment Act which was sought to be emulated in Mysore was passed in the year 1935. That was a time when, from the point of view of the Britisher, the state of affairs in India was almost that of an open rebellion. It was to put down that rebellion that this law was passed. Surely, the state of affairs in Mysore was not so bad as that and there would be little justification for the Government to quote that British Indian law as the example and revise the existing law on the lines thereof. The Dewan himself had reiteratedly stated that there were no serious differences as between the Ruler and the Ruled in Mysore and in this view, there was no reason why Mysore should emulate the example of it. If at all the actual effect of enacting such a law would be to bring about a cleavage of interest between the Ruler and the Ruled and for such a development, the Government themselves would be held responsible if the law came to be enacted.

Proceeding, he said that it looked as though the Government of Mysore, seeing the hold which the Congress was gaining over the masses, were thinking of ~~xxxxxxx~~ copying all repressive laws from British India with a view to put down the new awakening. It would be worth while considering in this connection that even in British India, in all the Provinces where the Congress governments had come to power, those very laws were undergoing radical modifications in favour of the national movement. Particularly in the North-west Frontier Province, the Government had made it clear that no worker in the cause of Indian nationalism could be charged for sedition whatever his activities, provided that such activities did not lead to violence. This example was sufficient to show that new ideas and ideals were beginning to influence all people. In this view, the present was the most inopportune time for the Government of Mysore to think of copying any harsh legislation from British India. The only way of the Government trying to ~~xxx~~ pass the law in question would be to make everybody think that the Government here were definitely opposed to the national awakening in the State, whatever be their professions to the contrary.

Continuing, the member remarked that there was absolutely ~~xx~~ no need to compel Mysore to copy the laws in force in British India. There was no necessity whatever to adopt this particular law from British India which was unpopular from every point of view. If

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this law was embodied on the statute book, it would become impossible for any independent press to thrive in Mysore. The editors might not be able to pay the heavy securities which the magistrates might demand. There was little comfort to find from the provision in respect of appeals to the High Court. Because, even before forfeiture of security was ordered by a competent court of law, the Government would have forfeited the security by a mere executive order. Instead of copying the British Indian law in its entirety, it would be advisable for the Government to define the particular offences which would become punishable under the law. Instead of doing that, to define the offences in vague terms would not give satisfaction or security to any one. The sword of Democles would always be hanging over the heads of editors and every newspaper man would have just ground for all kinds of apprehensions. The proposed law would not only mar the reputation which Mysore enjoyed but it would also serve as a bad example to all the rest of India. He requested the Government not to create such a situation but themselves take back the bill with grace. Otherwise the law would make it appear to the rest of the world that the press in Mysore consisted of a bad set of people deserving of such restrictive and harsh legislation. That would not be fair to a profession which was doing invaluable service to the State. The law would neither help the press nor the national awakening.

It

The bill in question contained several provisions relating to keepers of printing presses even apart from newspaper presses. Printing presses in Mysore were providing employment to a number of persons. If all the restrictions were embodied in the new law, it would become very hard for keepers of presses to carry on their trade. In other words, one effect of the measure would be to add to the unemployment problem.

Lastly, all the offences contemplated in the proposed law were already provided for in the Indian Penal Code as in force in Mysore, so that there appeared to be no reason for a fresh law to deal with the same offences. - If experience showed in the coming days that further provisions were called for or that heavier punishments and restrictions were necessary, it would then be time for the Government to consider some such measures. For the present, at any rate, the proposed bill was both unnecessary and objectionable.

For these reasons he strongly opposed the measure.

Mr. [illegible] also opposed the measure. In doing so, he said that it was a matter for no small regret that in the 20th century and at a time when people of all countries were fighting for independence and popular rights, the Government of Mysore should be thinking of a law like the one under consideration. If public life should develop on healthy lines, the

leaders

leaders must be enabled to work without fear. There was no doubt that the Government should have some sort of control over all affairs including newspapers. But at the same time, the Government must see that nobody was prevented from doing his legitimate work and exercising his legitimate rights. Even in British India, a similar harsh law was in vogue in the 19th century in respect of newspapers. But within a few years after its introduction, the Government of India had seen their way to repealing such an Act. In other words, the law which the Mysore Government was proposing to enact was one which had been condemned in British India a century ago. The Government might probably say that after all there was nothing for honest journalists to fear from the proposed law. But a glance at the provisions of the bill would show that securities which might be demanded of the editors of papers by magistrates might be very high and that the Government might go on forfeiting them any number of times. In determining whether a security was to be demanded and if so, what the amount thereof should be, the magistrates would naturally have to be guided by the reports submitted by the police. It was well known what sort of reports were generally submitted by the police whenever newspapers were in question. In this view, it could not be said that the magistrates, though above board by themselves, would be enabled to base their orders on anything like dependable data. In view of provisions like this in the proposed bill, the speaker was reminded of the observation made by a certain member (Mr.A.J. Fazleel) at the previous session of the Assembly

that no civilized government should have a law like this in the 20th century on its statute book. It was in view of that observation that the Dewan readily promised to introduce a modified law. But it was a matter for surprise and regret that the law which had been proposed to be enacted in accordance with that promise was one which was worse than the existing law. - The newspaper press in the State was doing excellent service in helping to spread education and enlightenment throughout the State. Surely, it did not deserve such a harsh and retrograde law as was proposed to be enacted.

For these reasons, he appealed to the Government to withdraw the bill.

Newspaper Bill (contd)

Mr. B.L. Sloss said that the purpose of newspapers was to spread general enlightenment among the masses and also to see that any errors committed by the Government were duly and properly brought to notice. If this was granted, he did not see any reason why the Government should view newspapers with disfavour. As had been already brought to notice, the Union himself had conceded more than once in the past that the Press in Eyrore was doing its work both well and honourably. That was an additional argument against undue interference with the liberty of the Press. No doubt the Press was not infallible and sometimes fell prey to wrong motivations. In such cases the Government had sufficient power to take action against the erring newspapers. As long as it was agreed that newspapers generally did their work well, there was no necessity for a law such as the one proposed. At the present time when the separation of the judicial and executive functions was being pressed both in and outside the House, it would be inconsistent therefore with the spirit of the times if the Government proposed to take uncertain powers to deal with newspapers. Personally he would prefer the courts of law being given all the powers to deal with newspapers according to the circumstances of each case. If the Government agreed to adopting this course, he personally would have no objection to the proposed law being passed by the House. Otherwise, if the Government kept these powers in their own hands, naturally they would be tempted to take action against any newspaper the moment it happened to publish anything unpalatable to the Government. Moreover all, the courts of law in Eyrore were

...ore above board, and for this reason the Speaker did not see ...n, reason why the Government should hesitate to transferring to the law courts all powers to deal with newspapers. The agitation in favour of the repeal of the Press Act was as old as it ...ere in the State. ... in 1907 the late ... Venkatakrishnaiya pleaded vigorously for its repeal and but for the fact that one section of the Representative Assembly supported the Government, the Press Act would have long since been repealed in the State. In this view and also in view of the fact that there was an unprecedented awakening on the part of the people throughout the length and breadth of the State to assist the Government were very busy considering the question of the best means of associating the people in an intimate manner with the administration of the State, so as to make it more liberal than before. For these reasons, the speaker opposed the measure unless the Government accepted the suggestion that any action against the Press should be left altogether to the courts of law.

Mr. ... on the other hand supported the principles of the measure. He said that the members of the Representative Assembly had for a number of years past been urging that the Government should replace the existing Press Act by another drafted on the lines of the law in force in British India. ... was thankful to the Government for having taken action in accordance with their representations. It might be that differences of opinion prevailed in respect of details in the provisions. ... but he thought that those details could all be gone into by a committee which would necessarily be appointed when the Bill comes for consideration of the Legislative Council. ... there was no doubt that the existing Press Act ... operated very hard on journalists. There was for ... legislation enabling

enable the Government to deport editors of newspapers in certain circumstances. This provision had been liberalised in the proposed measure and the editors would have the option to appeal to the High Court and seek redress. In this respect the proposed law was certainly more favourable to editors than the existing one. But there could be no two opinions as to the necessity for the Government having some sort of control over newspapers in general. Otherwise, even such newspapers as published mischievous or dangerous news as to incite innocent people to disturb the peace and tranquillity of the state would go scot-free. No doubt there was some opposition to some of the provisions of the measure. But if the Government agreed to give representation on the select committee even to the oppositionists, then he did not see why the House should not accept the general principles of the bill as placed before the House on the present occasion.

Mr. [illegible] in opposing the measure said that there was no justification for the Government embodying many penal clauses in the proposed bill so as to penalise erring editors. He was not aware that the press had justly exposed itself to blame so far. The presentation of a rigorous law like the one before the House seemed to be like killing a child as soon as it was born or rescue. I agreed that newspapers were doing a lot of useful and educative work in the State so much so that the Governor himself had paid a tribute to the press in very generous terms. It was regrettable that a Government presided by the same person should have thought it fit to legislate a rigorous law like this. In fact the speaker felt that the object of the Government was to see that no newspaper flourished in the State or that every one should go on falling in with their views and support the Government. In his opening address to the [illegible]

both on the present as well as on other occasions, the Dewan had amid sought to draw parallels between the State and advanced western countries like England, France and so on. The speaker tendered why in connection with the Press Law alone the Dewan did not think it worthwhile to consider how the Press was faring in those countries. Did he consider that the examples of Lord Mansfield, Lord Ellenborough and others were not worthwhile emulating in Mysore? It was a pity that the Government of Mysore were thinking on narrow lines in the year of grace 1938 and seeking to introduce legislation which would seriously interfere with the civil liberties of citizens. Speaking of general education, he was glad that the Government were spending as much as Rs.65 lakhs every year on schools. But the benefit to the people accruing from that large expenditure would, he thought, dwindle in significance when compared with the educative value of the work done by the newspapers. Any incident occurring in any part of the State would immediately be flashed to all parts of the State if only it was an incident worth reporting. So paper-reading-minded the people in the State had become that they were more eager to read news than to take meals when they were hungry. In other words, the newspapers were helping the cause of general education and enlightenment much more than the Government institutions themselves. If this was so, it would be very unjust on the part of the Government to curtail the liberties of the Press. If the proposed law was passed, it would give a handle to the Police officers to harass in any number of ways all those editors who wrote anything which those officers did not relish. This was a circumstance not unknown to the Government, and if still they proposed to enact a ~~xxx~~ law like the one before the House, it would only mean that they were definitely opposed to the progress of democracy in the State. The speaker had definite reasons

reasons to apprehend that honest journalists would be brought to trouble if the law was passed proposed. For example, every intending editor had not only to obtain permission from Government to edit a newspaper but also to appear before the concerned Magistrate, offer security as if required and seek formal permission to edit the newspaper. The Magistrate could naturally call for a report from the local police before he gave the permission sought. As a matter of fact, the officer who actually made necessary investigations and submitted report to the Magistrate would be an ordinary constable getting a pay probably of Rs.40/-. What, the speaker asked, was the sense of responsibility in the case of a constable and how curious it would look if such a reputed Government as that of Mysore ultimately acted on a report initiated by such a low paid ordinary constable? Even from the economic point of view, it was worthwhile allowing the Press to function as it liked. Private presses were giving employment to so many helpless young men. If the proposed law in all its rigour was passed, then no honest journalist would think of his profession and no honest person would think of running a press. In other words, the large number of persons who were at present eking out a living in the several presses would be thrown out of employment and the problem of unemployment would thus be rendered more complicated than at present. Printing, he said, was a commercial enterprise. It was also an art. It therefore deserved every sympathy and encouragement at the hands of the Government. It would be a pity if the Government exposed it to hardship and harassment. Again, Government consisted of a number of individuals and the individuals were not themselves infallible. If perchance those at the head of the affairs committed any wrongs or errors, who was it that could tell them so if not the newspapers? It was stated in the statement of general principles of the bill under discussion that the Bill solely

closely followed the Criminal Law Amendment Act of British India. He would like to ask the Government to consider how it had come into existence in British India itself. Circumstances within the State were certainly different from those which prevailed in British India at the time that law was enacted. For these reasons, the speaker opposed the measure and appealed to the Government not to proceed with it.

Mr. [illegible] pleaded for the passage of the proposed measure in substitution for the existing Press Law. He was sorry that so many Congress people were by their acts in villages inciting innocent people to violence and disloyalty, the newspaper presses almost invariably supporting them. All such mischievous propaganda should be curbed, and he thought it deserved to be, a stringent law as proposed was absolutely necessary.

Mr. [illegible] said that he had requested at the previous session of the Assembly that a law on the lines of the one in force in British India be substituted for the existing Press Law in Mysore. But to his surprise he found that the statement of general principles of the bill indicated that the law was a duplicate of the British Indian Press Act with one or two stringent additions. He was at a loss to know why the Government of Mysore were anxious to copy so many laws from British India. Many a law here was in force in British India which had some good features about them. When such enactments were not adopted he was not able any justification to copy this unwholesome measure from British India. No doubt, newspapers sometimes spread false news by hire and before it could be contradicted much mischief would be done in innocent quarters. But to prevent such things occurring, control

control over the Press was required. But, his main objection was that the proposed law was much more stringent than the existing one. For this reason he would much rather prefer the existing law to continue with some necessary modifications effected in it so as to be in keeping with the trends and tendencies of the ~~20th century~~ times if the Government realised their necessity for liberalising the existing law. In this view he opposed the proposed measure.

Mr. [illegible] in supporting the measure said that the object of the Press in general was to spread enlightenment in the country. But in practice he was seeing that some newspapers had commercialised the profession and entered into the things of agitation-mongers. The effect of unrestrained publication of news would be serious and Government [illegible] necessarily have some control to curb such newspapers. For this reason he was in favour of the proposed measure. He thought that honest journalists had nothing to fear from it and even if they made mistakes the Government, he was sure, would not hasten to take full advantage of the law and punish the editors. It was only in cases where mischievous propaganda was practised in that the law would be made use of.

Mr. [illegible] was strongly opposed to the measure. By seeking to substitute the proposed law for the existing one, the Government, he remarked, were trying to present the country with a stone while it was praying for bread. Memories were still fresh in the circumstances under which the criminal law amendment act was enacted in British India and the manner in which that law had been availed of by the central and provincial governments there. The injustice of the law and its application in a number of cases was evident from the fact that out of the over all

several congress Governments in the British Indian provinces were refunding the securities which had been forfeited by their previous Governments under that law. At least the Press in British India, when their securities were forfeited by the Governments, had received support from a number of rich men in the provinces. But here in Mysore being a poor country and nationalism awakening in it not being so general, it could not be expected that private help would go to the rescue of the Press if the Government of the State were to apply the law in the case of particular newspapers. The Press therefore was sure to be adversely affected if the proposed law was passed. Secondly, the Government had recognised the force and the sincerety of the popular agitation for the establishment of responsible Government in the State and had even appointed a committee to consider this very question. At a time when the committee was holding its deliberations, it would be an irony of fate if the Government introduced the proposed measure. He was sorry to find that the Government sought to justify the measure by stating that it followed the Criminal Law Amendment Act of British India. That law had been enacted by alien Government -- a Government which had determined to curb the national spirit. Surely the circumstances in Mysore were quite different, and there was little justification for enacting the law under reference.

Adverting to the detailed provisions of the measure he said that he was not prepared to concede that the proposed measure was better than the existing Press law in any respect. The Government seemed to think that the measure would be agreed to by the

the House since imprisonment had been substituted for deportation in the case of erring journalists. Personally he felt that deportation would be better than imprisonment since at least after going out of borders of the State the individual would have some liberty of movement and action. In this respect, he was sure that the new law would be much worse than the existing one.

He was aware of a recent instance in Mysore when an editor of a newspaper was made to give an undertaking in writing that if permission to edit was given, he should see that nothing concerning the Congress and its activities found publication in his newspaper. This was only one indication of the views which the Government had entertained with respect to the duties of the newspaper press. The speaker was reminded in this connection of certain Governments in Europe which appealed to newspapers to publish only particular kinds of news and ventilate only particular shades of opinions. He appealed to the Government to see that in future the atmosphere was kept as clean and pure as was possible for them to do so. They should not consider that every editor to be a criminal and on that basis proceed to straw subject him to hard restrictions. Personally he felt that persons addressing large gatherings could spread their own ideas among thousands of persons people in a much more effective manner than newspapers, with their limited circulation, could do. And persons addressing such mammoth gatherings were not expected to obtain licenses for giving lectures. Such being the case, there was no necessity for interfering with the liberty of the Press unduly. He agreed with some of the previous speakers in that the

the Criminal Law Amendment Act had been enacted in British India under a particular set of circumstances which surely did not prevail in Mysore. For this reason he thought there could be no force in the argument of the Government that the new Press Law had been conceived by the Mysore Government on the lines of the British Indian Press Act and therefore did not deserve to be opposed. It was a matter for some satisfaction that a sort of understanding had been arrived at between the Mysore Government and the Mysore State Congress. At such a time it would be hardly consistent with the declarations of Government to enact a rigorous law affecting the Press in general. He would ask the Government to consider whether such a law was in force in any democratic country in the world, in which case the speaker would have the least objection to the proposed law being enacted here. Material, the percentage of literacy in the State was very small, and even granting for the sake of argument that newspapers spread false or dangerous news, it was not all the population that would be incited by the writings. And for such errors as the Press might commit, the Government had already sufficient powers under the Indian Penal Code to take suitable action. He appealed to the Government not to interfere with the Press in the State as it would have very serious repercussions in the country as a whole. The one effect of passing the proposed law would be to suppress the legitimate awakening of the masses in which case he feared that it might flow in wrong channels. It would be a sad mistake if the Government rendered such a thing possible.

Mr. M.V. PERIYASWAMY said that he was at a loss to know why some of the newspapers should be so much afraid of the proposed measure. He did not believe that honest journalists would have anything to fear from it. The Government had brought forward the measure merely in compliance with the requests from the Assembly and the Legislative Council members and not on their own initiative.

Again, even from the point of view of detailed provisions, it looked to him much better to have the proposed law in the State than the existing one, because at present the Government could on their own motion deport any journalist who in their opinion erred or disserved the country, in future the punishment contemplated was only imprisonment and that option was given to the concerned editor to appeal to the High Court. It was true that the Act would subject the Press to certain restrictions. But unrestrained Press would be something like an unbridled horse, and all right-thinking men should therefore agree with the Government that there must be some sort of control over the Press in general. For these reasons he had great pleasure in supporting the measure.

Mr. M.J. [illegible] observed that many events had taken place in the State since the last session of the Assembly and that even those who had requested the Government at the last session that the existing press law be substituted by another were tempted to urge on the present occasion that there should be nothing like Press Act in Mysore. The proposed measure reminded the speaker of the Defti 38 of Hyderabad, under which no meetings could be held or speeches made unless the organisers obtained

obtained permission 14 days in advance and filed before the Government an abstract of the speeches going to be made at the meeting. It looked to him as though the object of the Government was that there should be no newspapers at all in the State. He had reason to entertain such an apprehension, because at a time when all parts of the State were thirsting after information relating to the recent Viduraswatham incidents, the Government had withdrawn the licenses granted to a good many vernacular papers. That action of Government was sufficient to show that they were not always exercising their discretion properly. If this be so, then people had every reason to apprehend that when once the proposed law was enacted, the Government might make similar mistakes in the future also and make it impossible for the general public to know what was happening in different parts of the State. If the Government were anxious to establish a healthy state of affairs in the State, the only way of doing so would be to allow newspapers to have their own way. It was due to the newspaper press that the Government recognised that the Press was doing much more of educative work than all the schools and colleges put together. Instead of allowing them to have their own way if the Government succeeded in introducing the proposed law, it would not as a death blow to the Press in general. For example, the maximum fine that could be levied under the Indian Penal Code was Rs.2,000 whereas under the proposed law the fine might go up even to Rs.5,000. If this provision, for example, was strictly applied by the courts, no journalist in Mysore could think of adhering to the profession any longer. And if similar action was

vernacular in the case of newspapers in general, then, the question of spreading education and enlightenment in all parts of the State would become an impossible task for the newspapers. And when once this happened, responsible government in Mysore would be out of question for all time to come. For these reasons, he said that the proposed law was one which deserved to be opposed by all well-wishers of the State.

Mr. C.V. LALLAH was surprised to find that some of the previous previous speakers had attributed motives to Government and thought it fit to state that Government appeared to be opposed to any newspapers functioning in Mysore. He reminded the House that the Government probably would not have brought up this measure but for the repeated requests from the Houses of Legislature for the substitution of the existing Press Act by another on the lines of the Act in force in British India. He for one thanked the Government for having promptly acted on the representations of the Assembly and the Council. Mr. C.M. Nair Singh who had spoken earlier on this question was one of those who had prefered a similar request at the previous session of the House. The speaker was surprised to find that on the present occasion that very member had opposed the measure vehemently. He felt that the restrictions complained of by the oppositionists existed even under the present law. Even under the proposed measure there was no reason to suppose that the courts of law would demand heavy securities in each and every case. For these reasons he did not believe that honest journalists would have anything to fear even if the proposed measure was enacted.

Some members had said that the Press should not be subjected to any restriction whatsoever. Personally he would also be glad if that such a state of affairs prevailed. He agreed with the Press in Mysore was doing meritorious service to the country But there was no guarantee that the same state of affairs would prevail in future also. Occasions might arise when each newspaper might not as it liked. If a paper spread sensational news or carried on mischievous propaganda, was it to be let off even then? After all, the responsibility for maintaining law and order rested on the Government and it was their duty to call erring editors to order if necessity for such action arose.

Some Members had pleaded for Mysore emulating the examples of certain advanced western countries. He would was personally prefer to emulate the examples of neighbouring administrations. Congress Ministries were in power in 7 out of the 11 British Indian provinces. Had any one of these Ministries, he would ask, done away with the Press Act altogether? Again there was a clash between Hindus and Muslims in the Bombay Presidency recently. Had not the Congress Ministry in charge of that Government imposed certain restrictions on the Press at that time. The need of the situation then demanded such action being taken in question. Unfortunately such occasions arose in the state, it was but reasonable to expect the Government of Mysore in such circumstances to have the power to control the Press within reasonable limits. If the Government did so, it could not be said that they were unnecessarily interfering with the liberties and privileges of the Press. There need be no

no apprehension on the part of any body that simply because a law like this was on the statute book the Government would be eager to enforce its provisions under all circumstances. On the other hand, the mere existence of such a law would keep the editors within the limits of caution, and the Press itself would be run on healthy lines. From this point of view it would be very unfair to the Government if anybody attributed motives to them in connection with the present measure. Personally, he did not see that the proposed measure could be detrimental to any honest editor.

The House rose at 4-5 P.M. to meet again at 11 of the Clock the following day.

GOVERNMENT BUSINESS (contd.)

Discussions on the General Principles of the Mysore Newspaper Bill (contd).-

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After a brief reference to the history of the Mysore Newspaper Act, Mr. H.T. VENKANNA Gowda said that the Government's promise to lessen the rigour of the law was as old as 10 years. After such a long delay, the Government had now prpposed to enact a law which was still more rigorous than the existing one. Under the present law, every editor of a newspaper was required to obtain permission of the Government in the first instance. This, the speaker considered to be quite unnecessary. But this provision had not been done away with in the bill under contemplation. Secondly, under the existing law, the editor of a newspaper was required to obtain a licence from a magistrate. This provision also was embodied in the pronosed law. But this second ~~Section~~ provision was not a point of dispute between the Government and the press. The main complaint was that whereas under the present law, the magistrate could give a licence, in future the demanding of heavy securities more than once and forfeiting them also was provided for. In this respect, the new law was harsher than the existing one. It was stated on behalf of the Government that the penal provisions of the law had been made with a view to prevent the spread of seditious or other objectionable matter by the editors. And this, it was contended, would be in the interests of the general public. If penal provisions were made with a view to preventing all objectionable or dangerous things, the speaker was tempted to ask whether the Government

had closed down by legislation all hotels in view of the possibility of one of the proprietors serving poison mixed with food or closed down all grocers' shops on the remote possibility of the provisions sold by any one of them containing mixtures of unhealthy stuffs.

The member objected in particular to the provision relating to the Government themselves having the power to order the suspension of licence and such other summary powers. No doubt, the Government could explain it away by saying that even though the demanding of securities was provided for in the law, it was open to the magistrates to decide with reference to the merits of each case whether or not to demand security, and that the magistrate was free to pass orders granting or refusing the licence. But, as a matter of fact in Mysore, the scheme of the separation of the executive from the judiciary was not complete, though in theory it was prevalent. So that, the magistrates might pass their orders in accordance with the wishes of those in power. In this view, the editors had just ground for fear that the magistrates might not pass orders according to their own independent judgments. After all, the question whether a particular article was seditious or not or whether a particular criticism was responsible or reckless, was a matter of individual opinion. Even on the question of sedition, opinion had undergone a radical change in the neighbouring provinces of British India. For example, some of those governments had declared certain writings as seditious and forfeited the securities deposited by concerned editors. But

subsequently, the Congress Ministries which had come to power held that a different opinion with regard to those particular writings and were returning the forfeited securities. Thus, the question how far newspapers deserved to be placed under check was one for decision from a proper angle of vision. When the angle of vision had undergone a change in the neighbouring provinces, it was unfortunate that the Government of Mysore was proposing to substitute a new law for the existing one which was not so replete with rigour.

Proceeding, the member said that he did not believe that some of the members who had spoken in favour of the proposed law had informed themselves sufficiently well on this question. Nobody would have any quarrel if <u>some control</u> was sought to be provided for. If the Government provided for some control and left it altogether to the law courts to exercise that control, the House might not object to the bill under discussion. In particular, the member was anxious that the Executive should have no voice in deciding whether what an editor might do would constitute an offence or not, and whether the editor should be punished or not. These were questions to be decided only by courts of law. But instead of leaving these powers in the hands of the courts, the Government were proposing to have full power in their own hands, providing only for some power to be exercised by the courts of law.

For these reasons, he was strongly opposed to the bill.

Mr. Mosakoppa KRISHNA RAO regretted that a stringent measure like the one before the House should have been proposed by the Government in these democratic days, more especially soon after the Dewan's visit to so many free countries in the West. He said that the Newspaper Act was originally enacted in Mysore for a particular purpose. The author of that measure, viz., Dewan V.P. Madhava Rao, had himself indicated in the course of his evidence before the Parliamentary Committee, that if he had only continued in office, he would have himself repealed that Act when once its purpose had been served. Such being the case, there was little justification in keeping the law on the statute book at the present time. It was stated in the statement of objects and reasons that this bill had been proposed in accordance with the wishes of the Representative Assembly and the Legislative Council. That those Houses had asked for was that the existing Act should be repealed and that - another measure bereft of its penal provisions and all its general rigour should be brought up. Having promised to do so, the Government were now proposing a law which was still more rigorous than the existing one. If this measure was passed, no newspaper could thrive in the State; and the progress of the State along healthy lines would be out of the question. Personally, he felt that the absence in the State of any paper of the first magnitude was due solely to the operation of the Newspaper Act as in force ~~xxxxxxxx~~ at present. If therefore a more rigorous law came to be enacted, no editor would think of sinking a heavy capital and

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running a paper. Consequently, the general public would be denied the benefits of all the enlightenment which newspapers were capable of spreading. He did not see any reason why the Government should anticipate that editors would go wrong and jeopardise the general interests of the State and provide for steps for dealing with them. In his opinion, a wise government should leave the editors to do what they liked and if the editors really committed any offence, then it would be time for them to take action against such individuals.

In this view, he was strongly opposed to the proposed measure.

Mr. KHAJI SYED YUSUFF SAHIB pointed out that the proposed measure was thought of by the Government only as a result of representations made to them in the Assembly and the Legislative Council that a law on the lines of the British Indian Newspaper Act should be substituted for the existing Act. There was no difference of opinion on the main principle that the Government musthave some sort of control over newspapers in general. That was in fact the case in all civilized governments in any part of the world. It would certainly lead to difficulties if the Act was altogether repealed. If, unfortunately, a disturbance of the peace broke out anywhere and each paper published exaggerated versions thereof, it might lead to calamitous results. In such cases, the Government must have the power to suspend the licences. Even the Congress Ministries to which some of the earlier speakers had referred, had not altogether repealed the Newspaper Act. They were

also

also making use of the existing law. In fact, only recently the members had read from the papers that the Chief Minister of Madras had caused action to be taken under the Criminal Law Amendment Act against certain persons who were observing a hunger strike in front of his official residence. It would not do, therefore, for any one to suggest that the Government should have no control at all over the newspapers. People of Mysore were agitating for the establishment of responsible government in the State. If this ambition of theirs had to be realised, it was incumbent upon the leaders of the public to show a certain measure of self-restraint from now and prove to the world that they were fit to hold positions of trust and responsibility in the days to come. How was responsible government to be conceded if the leaders did not conduct themselves in a responsible manner?

Proceeding, the speaker pointed out that one member had suggested that no Newspaper Act was necessary at all in the State because, all the offences which editors of newspapers were likely to commit, had been provided against in the Indian Penal Code as in force in Mysore. If this argument was to be accepted, then it might as well be contended that all special laws in force should be repealed; because practically all offences were duly dealt with in the same penal code. It might be that the Newspaper Act was long in force in the State. But the speaker would ask how many editors had been punished under that law. Personally, he was not aware of any case. No doubt, recently the licences granted to some vernacular papers had been suspended. But that was a step which the Government were compelled

to take in view of the highly exaggerated reports which had appeared in those papers in connection with a certain unfortunate incident at Viduraswatha. If such versions had not been published, the editors would not have come to trouble at all. So, as a matter of general principle, everybody might be agr agreed that it was desirable for the Government to have some sort of control over newspapers. The question of particular provisions being too rigorous or harsh and such other details might be left for discussion in the Legislative Council and the select committee thereof.

In this view, he had no hesitation in extending his support to the bill.

Mr. GURUBASAPPA, who spoke next, remarked that some of the Kexsx newspapers were in the habit of publishing exaggerated reports of news in which they were interested and of belittling the importance of events which were not to their individual tastes. With a view to discourage such things, he was in favour of the proposed measure.

Mr. MOHAMMED SAHIB did not see any point in the objection that if the proposed law was enacted, the inevitable result thereof would be to kill all newspapers. Even in the recent weeks when the licences of some Kannada papers had been suspended, there were papers like the Daily Post which were never interfered with by the authorities. He could not understand the apprehensions of some of the opponents of the bill only in this sense,

viz., that some of the papers which were not financially well off, took to publishing exaggerated and

sensational

sensational reports of events with the sole object of catering to the credulous public and making money in that way; and if the Government retained the power to exercise due control over such papers, the editors thereof and their supporters feared that one means of increasing their sales would be curtailed. In such cases, it was the duty of the Government to take action against the editors and in order to have the power to do so, a law like the one proposed was certainly necessary.

He therefore supported the bill.

Mr. SYED MOHIYUDDIN HUSSAIN also supported the bill and said that in every country all trades and professions were subjected to laws of various kinds. Even as individuals, subjects of every State were bound to obey certain laws. Even in matters of religion, they were bound by the laws which were called Shastras. Such being the case, he did not see why one profession alone, viz., journalism sought to be free from all restrictions. The Newspaper Acts of several provinces or countries had been in force for a long time. It was only recently after the Congress movement gained a stronghold that an agitation against the prevailing Press law was set up. He did not believe there was much point in that agitation. If there was no Press law, there would be no authority to keep editors of newspapers under check. Just as the police were necessary to apprehend burglars and culprits, a press law was necessary to keep journalists under check. Honest and well-meaning editors had nothing to fear from such a law and in this view, he said that the House should support the proposed legislation.

Mr. T. VISWANATHA IYER did not dispute the fact that a law of some kind was necessary to regulate and control newspapers. The only point of dispute was that whereas the representatives of the people were urging for a law less rigorous than the present, the Government had proposed a law which was still more rigorous. Secondly, it was a point for consideration that any law enacted in Mysore, however rigorous and stringent, could only have effect on the papers printed and published within the State. Outside papers were not affected in the least by it and the Government could take no action whatever against such outside papers. So, no useful purpose could be served by the Government placing undue restrictions on papers published in the State. For instance, in connection with the recent Nilakaswetha disturbances, the Government had suspended the licences given to certain local newspapers on the ground that they had published exaggerated reports. But papers from outside did publish the popular versions and such papers had plenty of circulation in the State. The Government could not take any action against such outside papers. The only effect of the suspension of the local papers was that outside papers were able to make a mint of money in Mysore.

In the next place, the question of unemployment was assuming serious proportions in the State and both the Government and the University were considering how best to solve the problem. In fact, in this very connection, the University was proposing to open courses in journalism in some of the higher classes

classes. At such a time it would be unfortunate to place undue restrictions in the way of the growth and development of journalism in the State. In Travancore and Cochin which were several times smaller than Mysore, the number of newspapers--dailies, weeklies and monthlies--was very much larger than in Mysore, and the level of general education also was very much higher there. If, instead of placing obstacles in the way of newspapers, the Government of Mysore gave sufficient encouragement and facilities to newspapers, they would help the State in improving the level of general education. If the proposed law was enacted, journalism would receive a set back in the State.

Continuing, the speaker stated that he did not agree with the charge that the local newspapers generally published false and exaggerated news. The bulk of the papers were doing valuable work under trying conditions and deserved every sympathy and support at the hands of the Government. In this view, he requested the Government to withdraw the proposed legislation and bring up another bill in its place with more liberal provisions.

Mr. H.C. CHENNABASAPPA also opposed the bill and said that the very fact that the Government had been emboldened to propose a repressive measure like this was in itself an indication of the weakness and helplessness of the general public. The measure was certainly not in consonance with the spirit of the times. Those who had supported the bill so far had done so merely for the sake of supporting the Government's move. The provisions

of the bill were such as to strike terror into the heart of any one who looked into them and for this reason a large number of young men who were proposing to take to the noble profession of journalism were dissuaded from doing so, all on account of the difficulties which they might be subjected to if the proposed measure became law. The speaker was at a loss to know why the Government in these days were seeking to emulate the examples of conservative countries, ignoring the lessons which more advanced administrations had afforded. The Government had stated in the statement of objects and reasons of this bill that the measure had been drafted on the lines of the Criminal Law Amendment Act in force in British India. It was well known now that that Act had been enacted in British India with the sole idea of killing nationalism. If the Government of Mysore with all their professions of sympathy for nationalism copied such a law from British India, then one would be compelled to doubt the sincerity of the Government.

It was conceded in all quarters that newspapers were doing splendid work and that journalism itself was a noble profession. The editors were in many cases showing a spirit of self-sacrfice in running their papers and they were affording education to the generality of the public in a sense more effectively than schools and colleges could. As a result of the educative work done by newspapers in Mysore, even ordinary ignorant, illiterate and aged raiyats in all the nooks and corners of the State had come to realise the duties and responsibilities of the State and the duties and ~~xxixxxs~~ rights of the subjects. At such a time, if the Government sought to keep all

the newspapers under their thumb, all well-meaning persons could not but regret the intentions of the Government and do all they could to frustrate such an intention. The provisions which related in particular to editors having to obtain permission from the Government first and licence from magistrates next and also those relating to the furnishing of securities with the attendant risk of the same being forfeited looked to be such as deserved to be applied against criminals. The speaker for his part did not know why the editors of papers should be treated like criminals. Only at the previous session, the Dewan had paid a tribute to the services rendered by the local press to the State and it was an irony of fate that so soon after that, the Government presided over by the same Dewan should have proposed a measure so repressive and retrograde as the one under discussion. At this rate, one had reason to fear that the Government might in days to come propose similarly to bring in that profession under its direct and inescapable control. It was stated on behalf of the Government that the securities were only intended to dissuade editors from the possibility of committing offences. The speaker would ask the Government whether they were in the habit of taking securities from their own highly paid officials simply because there was a possibility of at least some of them making mistakes sometimes. Surely, this was not the way of preventing mistakes. If this was not so, he did not see why the editors of papers should alone be singled out for the distinction of depositing securities even in advance of starting their papers.

The only inevitable conclusion which he could draw was that the Government viewed with grave concern the general awakening that had come over the State and were trying their very best to curb the mass awakening. It was a measure which no one who was interested in the progress of the State could support. He therefore strongly opposed it.

Mr. S. RAMAPPA observed that if Mysore should retain its reputation as a model State and also aspire for still higher status in the future, it should give every possible encouragement to the local newspapers. All round progress could not be secured by mere starting of industries and digging of tanks. Even if lakhs of rupees were spent on schools and colleges, - education of the masses could only be secured through encouraging newspapers. Advanced countries like Japan, England, etc., had attained their present level of education and progress more on account of newspapers that were in xx circulation in those countries---thanks to the liberal encouragement which the several governments were giving them. It was the ambition of the members of the Assembly that every village in the Mysore State should be served with a good newspaper and that every man and woman including children should be enabled to read and profit by newspapers. It was also their ambition that the newspaper profession should thrive to such an extent as to make the papers available at a single pie each. So long ago as 1865, His Highness the late Maharaja had been pleased to give xxx

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very liberal ~~xxxxx~~ financial help to a certain paper called "Karnataka Prakasika". It was unfortunate that in such a State, a retrograde measure like the one in question had been proposed by the Government in these days of general awakening. Undoubtedly, people of this State were absolutely poor and so also the editors of newspapers. How then could they afford to deposit very heavy securities which magistrates would be empowered to demand under the proposed law? In the security was forfeited in any case, it would be a difficult question for the concerned editor to think of starting another paper because, he would then have to deposit a heavy security again. In this way, the profession itself would come to be wound up in the State.

Some members had observed that honest journalists had nothing to fear from the law. But the speaker did not agree with ~~xxxx~~ that view. In his opening address, the Dewan had referred with pride to a proposed large investment of Rs. 150 lakhs recently sanctioned for the Gersoppa Hydro Electric project. It was not so much of electric lighting that people wanted as real enlightenment and inward light. If this could be supplied, it was only by newspapers. By suppressing the newspapers, the Government could certainly not help the progress and prosperity of the State. From this point of view, the proposed law, he said, was most undesirable and he therefore opposed the bill with all the strength he could.

Mr. K. H. PUTTANNA however agreed with some of the members who had spoken earlier and said that newspapers were generally in the habit of publishing exaggerated and distorted versions in some cases and omitting all references to healthy and popular movements or belittling their importance. Even in British Indian provinces where Congress Ministries were in power, the Press law had not been repealed altogether. He was therefore unable to follow those members who were pleading for the repeal of the Act in Mysore. He was personally aware of some Congress workers going into villages and holding out all sorts of imaginary promises to the ignorant raiyats and also carrying on propaganda through press Correspondence which resulted in shaking the confidence of the general public in the Government and their loyalty to His Highness the Maharaja. If such a dangerous campaign should be put an end to, a stringent press law was certainly called for. He therefore supported the bill.

Mysore Newspaper bill (contd)

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Mr. M.L. RANGA RAO said that from the provisions of the bill it looked as though the Government did not want that any newspapers should thrive in the State. He recalled to mind in this connection what the Dewan had said on a previous occasion, that he was looking forward to a time when each village had its own dispensary, school, a reading room, etc., and asked what purpose a reading room could serve without providing newspapers to the reading public. He was of opinion that the section providing for demanding security from the printer or publisher of a press was too stringent to permit of journalism thriving in the State. He suggested that a license fee be levied and permission granted to edit a paper without any further restrictions.

A certain supporter of the measure had said that the newspapers disseminated false and sensational news without verifying them in the first instance especially when such news related to incidents in respect of which feelings ran high among the people. And as an example that member had pointed out that in connection with the disturbances at Vidurasvatha, almost all the important vernacular papers had published the sensational report that a woman enciente, who was going round the sacred Aswatha tree, was one of those who were killed as a result of the police having opened fire, and said that this news was, on the face of it, incredible, because it was only those who were praying for children that believed in going round the sacred

sacred Tree and yet it had not occurred to the editors of the papers that the information they published could not be true. Referring to this criticism, the speaker stated that there was nothing improbable in the news under reference. It might be that after becoming pregnant the woman might have taken up the pilgrimage in token of her gratitude. But one particular incident apart, the speaker said that he was opposed to the measure on other grounds mentioned by several of the previous speakers.

Mr. [illegible] opposed the measure on the ground that the vernacular Press in Mysore was contributing a good deal in the cause of Kannada language and literature and that this cause would suffer a serious set back if the vernacular press was not encouraged.

It was well known that editors of newspapers should be men with a high level of education and also have sufficient financial backing. In Mysore unfortunately such men were very few. This was the reason why the number of newspapers in Mysore was not as large as one could desire. It was therefore necessary to give every possible encouragement to the few people who had come forward to conduct newspapers in the State. If the proposed law was enacted, these persons would be discouraged and hit hard. Consequently they might not care to edit papers at all in future, in which case the progress of the State itself would be retarded, particularly in directions like literary, social, economic and political.

As a result of a general awakening on the part of the masses in Mysore, a determined agitation in favour

favour of responsible Government was being carried on in the State. If this ideal was to be secured, further propaganda in its favour was necessary and this could not be carried on successfully by any means other than through newspapers. Even in this view, it was not desirable to interfere with or discourage local papers.

Again, quite apart from political considerations, it was most desirable that each village had its own reading room and library. The Government themselves could not disagree with this ideal. In fact the Dewan himself had once remarked that it would please him if every village had its own reading room and library. This ideal also would become out of question if newspapers did not reach all the villages.

Speaking of the merits of the measure, it was seen that not even a single provision was an improvement over the existing law. The powers which the Government had proposed to retain in their own hands were vast. The powers proposed to be given to the Police and the Magistracy were discretionary. There was no guarantee that even the appeals which editors of newspapers could prefer under the proposed Press law would be gone into and disposed of on strictly judicial lines. This was an additional point against the measure.

One hon'ble member had suggested that the law might be agreed to by the Assembly in its general outline and that details were the concern of the Legislative Council. But those who were aware how the Legislative Council was constituted at present knew how far the Assembly could trust the Council

Council to dispose of questions on merits.

He agreed that there must be some sort of control over newspapers. But he did not agree with those who said that newspapers generally published false or exaggerated news. This was essentially a matter of opinion. In this view it would be meaningless to suggest that the Government was competent to prescribe the limits within which alone newspapers could work. The restrictions proposed were too many and too hard. The proposed law was certainly more dreadful that the existing law and therefore deserved to be voted down. It would be well if the Government themselves withdrew it and brought forward at the next session of the Assembly another measure containing more liberal provisions than the existing law.

Mr. [illegible] was of opinion that the Government could take action against all erring journalists even under the provisions of the Indian Penal Code and therefore it was not necessary for them to have a separate Press law for that purpose. The fact that they proposed a stringent Press law only went to show that the Police and the Magistracy were not taking action in accordance with the existing provisions. This, in other words, amounted to a betrayal of remissness on the part of the Police and the Magistracy. He hoped that this was not a fact and that the Police and the Magistracy were doing their duties perhaps more ardently than necessary.

He did not believe that the generality of newspapers were interested in spreading false news

news or exaggerated and sensational reports. Even if such things had taken place on occasions, it was quite open to the concerned people to contradict such news or reports. And where the Government happened to be directly concerned in any case, it was open to them also to publish correct news through their Publicity Officer.

One of the previous speakers had invited the attention of the House to the fact that His Highness the late Maharaja had been graciously pleased to extend liberal financial aid to a certain newspaper. The speaker did not know why the Government should depart from that healthy precedent and think of suppressing or even curbing newspapers.

It was well-known that people in Kyrore were poor and editors of newspapers were not too affluent. Such being the case, it would be unjust on the part of the Government to insist on heavy securities from such persons. Besides, the Press law did not specify the circumstances under which alone securities might be demanded. From a study of the various provisions of the measure it looked as though the Government were trying to usurp for themselves all the powers which only courts of law could exercise at present. If such a stringent and retrograde law was enacted, it would have very serious repercussions in the State as a whole. For all these reasons, the speaker opposed the measure.

Mr. M.N. BHARTA SHETTY observed that many political complications had arisen in the State within recent months and thanks to the intervention

intervention of distinguished leaders from Congress circles, peace and harmony had been established in the State. This understanding was about to effect just now and at such a time if the Government introduced a repressive law like this, one could only characterise it as inopportune.

For a long time past members of both houses of legislature had been representing to the Government that the existing Press law was too drastic and that it should be replaced by a liberal law. The Government promised to do so and were saying on the present occasion that as a measure of implementing the promise the proposed Press law had been placed before the House. No doubt then the Secretary to Government in the General Department explained the general principles of this measure, he had taken care to employ sweet and unobjectionable words as far as he could. But a study of the detailed provisions of the law could not but fail to convince one that the law was certainly much more drastic than the existing one. He was unable to understand why the Government should have thought of such a bill, especially when they were rescinding all repressive orders as a result of the understanding they had arrived at with Sardar Vallabhai Patel. As a class, editors of newspapers, particularly in Mysore, were a poor lot and it would be true difficult for them if they were called upon to furnish securities. Besides the law itself did not prescribe any maximum limit for securities so that the magistrates concerned might demand any amount of money as security and the papers being unable to furnish the same could only think of the alternative which was winding up the paper. At a time when the vernacular

vernacular newspapers published in the State were just securing circulation in different parts of the Karnataka, it would be very unfair if the result above referred to was led to. It was certainly not a fact so far and it would be least likely in future that any newspaper would plead for a no-tax campaign or help sedition and so on; and even if any of them did so, the Government could take every necessary action against him under the existing laws. It was therefore unnecessary for them to have a stringent Press law for this purpose. It might be that such a law was in force in British India. But there was vast difference between the state of things in British India and in Mysore. The Press law as in force in British India was so stringent that, in the words of no less a personage than Sir Lawrence Jenkinson, Chief Justice of the High Court of Bengal, it was " difficult to say to what lengths the operation of this section (section 4) might not be extended by ingenious minds". Surely such law did not deserve to be kept copied by a progressive and enlightened administration like that of Mysore. The law as proposed would place enormous powers in the hands of the Executive and this would result in a lot of mischief and harm being done to the local newspapers. For these reasons the speaker appealed to the Government to take back the bill and help the progress of the State on proper lines

Mr. [illegible] said that one provision of the proposed law enabled the Magistrate to demand a security before license was issued and this power was exercisable by the Magistrate even subsequent to Government granting permission for editing the newspaper. This would amount to saying

saying that the magistrate had higher powers than the Government themselves. For this reason he wanted the provision in respect of securities to go.

Speaking of the law as a whole, he observed that all subjects of His Highness were living in perfect unity and concord and that communal clashes and riots which were such a sad common feature of northern India were rarely heard of in the State and that His Highness's subjects vied with one another in their loyalty to the sovereign. In these ways the position in Mysore was certainly different from that in British India and there was thus hardly any justification for the Government here to copy the Press Law from British India.

The supporters of the measure had made much of irresponsible writings appearing in the newspapers. Even if the writings could be so characterised, the Government had certainly powers enough under the Indian Penal Code to take action against the erring editors. If instead of availing themselves of the provisions of that code the Government went on taking steps against particular newspapers, they would be only magnifying the importance of such newspapers and the Government's object to curb erring editors would thus be frustrated. In resorting to such repressive measures, the Government would also not be helping the public to develop a sense of responsibility.

An unprecedented political awakening had taken root in the State as a result of a variety of circumstances. A new era was dawning and the light of independence was already in sight. At such a time

time it would be most inopportune for the Government to enact the proposed repressive law. They would be helping the State by withdrawing the measure, for that would be the only way of enabling it to march along healthy and progressive lines.

Mr. L. [illegible] wanted that there should be some law to control the newspapers. But in order that the editors should not be subjected to serious inconveniences, he suggested that the security demandable by magistrates be fixed as low as possible.

Mr. H.S. [illegible] said that the majority of the subjects of His Highness were definitely opposed to this measure. If the Government had any doubts about it, they would do well to take a plebiscite. Articles were also appearing in many of the newspapers in which reasons for opposing the measure were clearly explained. It was quite untrue to say that papers indulged in spreading wrong ~~this~~ news or in exaggerating men and matters. They had never exposed themselves to the charge of sedition. The public work that newspapers were doing was beyond question and the more they were allowed a free hand the more the country as a whole stood to benefit therefrom. After all, every one was entitled to have his own opinion about any event and if one newspaper expressed one opinion there was no reason why the Government should find fault with it even if their own opinion was different. Newspapers were fighting against odds and it would be nothing short of cruelty

cruel y to expose the to greater hardships and difficulties in future. It might be th t on particular occasions particular newspapers were likely to err. But that was hardly a justification for introducing such a stringent measure applicable to one and all alike.

Sri H.L. DALH was not in favour of the placing banning any unnecessary obstacles in the way of newspapers progressing. For this reason he preferred the existing law to continue in future also and said that there was no need for the measure as proposed.

Sri T.S. ALL HEN did not agree with the view of certain speakers that the object of the Government in proposing this measure was to see that newspapers in the State were suppressed. Everybody knew the amount of good that healthy journalism could do to a country. Unfortunately however many newspapers in Mysore had published exaggerated reports on certain questions and on certain occasions. That was why the Government had thought of exercising some control over them. Such control was absolutely necessary. In this view he thought it his duty to support the measure.

Sri J. [illegible] IAH remarked that all the members who had participated in the debate on the question so far had confined their attention only to newspapers whereas the bill referred not merely to newspapers but also to books and everything that was printed or even lithographed. If the

the restrictions complained of by some of the members with reference to newspapers were to be applied with reference to all books, leaflets, sheets of music, maps, charts, etc., then not merely journalism but also literature would certainly suffer. Even at the first glance the proposed law looked to be more stringent than the existing one. As against 8 sections in the present law, the new measure contained 35 provisions, each of which was calculated to curtail the liberties of editors, printers, authors, etc.

As regards demanding security, the draft act did not mention the maximum up to which the registrar could go. Similarly it was not clear whether the Government would give permission in all cases in which a newspaper editor made application to them. He did not quite appreciate the reason why the Government should reserve to themselves the power of giving permission to edit a newspaper. It would be preferable for them to entrust this power to some responsible officer of the Government, reserving for themselves appellate powers if necessary.

With regard to the powers proposed to be given to the Police, he did not agree that the latter were up to discharging that power with a due sense of responsibility on account of the fact that the general level of education in a majority of cases was very low. He said that if all these restrictions were meant to apply to only newspapers, perhaps he would have considered the question but for he would support the bill. But as it was meant to apply to books, leaflets, music sheets, maps, charts, etc.,

he thought that the provisions of the law were too drastic and unnecessary. He therefore opposed the measure.

Mr. K.T. BHASHYAM AYANGAR stated that in the initial stages of the agitation in favour of the repeal of the Press Law members were representing to the Government that some of the provisions of the law were too drastic and the law should therefore be repealed. The Government were then stating that newspapers in the State were not committing any offence under the Press Law and need therefore have no fears whatever concerning themselves however hard the provisions of the law might be. Later on, members began to represent that even though editors of newspapers were not subjected to the penalties contemplated in the law, still the very existence of a stringent measure like that was preventing the editors from discharging their duties boldly and usefully. It was then that the Government agreed to repeal the existing law and propose another in its place which would be liberal and encouraging. But it was seen on the present occasion that the proposed law was much worse than the existing one. When the members were pressing for a liberalisation of the existing law, a more stringent law could hardly be justified.

As regards the provisions, the member said that it was not very desirable for the Government to keep the power of permitting any editor to issue a newspaper. Because, after all, officers of the Government were ordinary human beings and personal equations were bound to influence their decisions.

if for such a reason the authorities refused permission in any given case, the editor concerned would be helpless. His case could be decided once and for all. Similarly, in another case, even though a particular applicant was not deserving of being given permission, it might be given to him because that individual might happen to be in the good books of the powers that be. So long as the representatives of the people had no voice in the administration, such things would remain as a common feature of the Government. Situated constituted as they were therefore the members of the Assembly could only plead with the Government not to enact such stringent laws but to give some amount of opportunity liberty to every individual until he actually committed an offence and made himself liable to punishment. This argument applied with particular force to newspaper men. He did not see the reason why newspaper editors should be asked to go before the Government and ask for their permission. More especially since intending editors had to appear before the Magistrate and secure licences from him, this sort of official patronage appeared to the speaker as altogether superfluous and meaningless.

He was surprised at the argument advanced by some of the members that a stringent law like this was necessary in Mysore because in British India, even in Provinces governed by Congress Ministries, a similar law remained in force. The argument appeared to him to be poor logic. The existence of a bad law elsewhere could not be a justification for its adoption in Mysore But there was one important point of difference which should be borne in mind by those who drew parallel between Congress Ministries and the Government of Mysore constituted as at present. It was true that this

this stringent law was in force in Congress governed provinces. But if the Congress Ministries exercised this power or privilege or patronage in an arbitrary manner, i.e., by granting permission to one applicant and rejecting it to another, then the general electorate would at once call the Ministers to order and if necessary even remove them from office. Was that a thing which the subjects of the Mysore State could hope to do, at any rate at present? In other words, the Congress Ministers exercised some check over certain public affairs. But the electorates had also certain counter-checks at the same time. Whereas in Mysore the administration exercised every check, the tax-payers themselves had no counter-checks to exercise. This in itself was a powerful reason for throwing out the measure in question.

Speaking of the inadvisability of editors of newspapers being asked to secure as a first step the permission of Government to edit a paper, he said that that step was rendered ~~impossible~~ unnecessary by the provision that even after such permission the editor had perforce to appear a magistrate and obtain his licence. This second step was in itself a difficult process and was beset with considerable danger to the applicant in question. Because, the magistrate would before granting license call for a report from the Police as regards the previous history and the bona fides of the applicant and the Police would take full advantage of that opportunity to revive the past history of the applicant and present before the magistrate exaggerated versions of all that could possibly be said against him. In particular, however, the speaker did not object to newspapers having to obtain licence from magistrates.

But it was the prominence thrust on the Police that he was tempted to revolt against.

There was still another provision which he was not able to appreciate, namely that in respect of magistrates demanding heavy securities from intending editors. It was well known that the country was poor. It was well known too that editors of newspapers were anything but prosperous. There would be no justice in demanding heavy securities from such editors. After all, there was no reason why any security should be demanded even before the offence was actually committed. The fact that one or two editors might possibly commit an error was no argument for each and every editor being asked to furnish security. Whatever the theory, once this provision was agreed to by the Legislature, magistrates would, as a matter of course, demand security from every editor. At any rate, such a contingency was quite possible. Newspaper editors were as a lot good men with generous intentions and their one ideal was to serve the country, incidentally making a livelihood for themselves. If such useful benefactors of society were to be asked to furnish security, he would be tempted to ask whether those at the helm of affairs could not with equal justice be called upon to offer security. It might be that the opinions expressed by an editor of a newspaper were not palatable to the administration and that the authorities therefore called upon the editor to furnish security. But it was often the case that the views and opinions held and expressed by those in power were not palatable to the tax-payers in general. Would there be wrong therefore in demanding heavy securities from the authorities

authorities themselves. It was all very well for the advocates of the measure to say that the Government were taking securities from those proposed to be appointed as cashiers and so on. But the principle underlying that procedure was that the cashiers might happen to walk away with Government money and therefore as a
some measure of safety the securities were taken from them. That certainly did not and could not apply to newspapers editors. It was commonly understood that security was demanded not as a form of punishment but as a guarantee for good behaviour. And the very fact that the Government demanded security from an editor would inevitably give the meaning that the Government viewed him with some suspicion and regarded him as an offender from the outset.

Taking up the provisions of the measure, it would be seen from clause 5(c) that the offences mentioned therein were such as to give power to Government to declare that an editor had committed an offence under one or other of the conditions stipulated. Even here the final decision rested on the executive and not on courts of law. It was a matter of common knowledge and that even in a case in which the contending parties adduced witnesses and arguments and the judges give judgments or decrees after weighing the pros and cons, this very case would often go up to the High Court in appeal and the High Court would reverse the judgment. Such being the case, nobody could be sure how far newspapers editors could depend upon the infallibility of the decisions of Government reached, may be not necessarily on impartial weighment of the arguments for and against.

No doubt there was a provision to enable the aggrieved parties to go in appeal. But it was a matter of doubt at any rate so far as he was concerned, how many editors would avail themselves of this provision with full faith in the appellate court.

Then, with reference to clause 5(f) relating to bringing the administration into hatred and contempt, he said that the power vested in the Government under that clause was so vast and vague that the Government might as well say that any one who made a remark that the order of Government in a particular case was not just or fair, committed an offence under it. Similarly if any act done by Government or order passed by them was not agreeable to the Hindus and if any one were to express that view, the head of the administration might at once say that all the Hindus had set him up to condemn him and therefore might have him booked at once. This the speaker remarked would be highly unjust. He would not have referred to this point but for the fact that once upon a time he had full confidence in the head of the administration which confidence had now been altogether forfeited. He said that he was making this statement with deep regret and went on to say that if the general public had in the head of the administration the same confidence which they once had, they would not have hesitated to place all these powers in his hands. It was not a fact that all newspapers in the State abused their privileges and tried to bring about the duly constituted authority into contempt, incite anybody to violence; and much less was it true to say that there was sedition in any part of the State. Newspapers were as anxious as

as anybody else that the State should progress. The only reason why members were opposed to placing these large powers in the hands of the Government was that they feared that when once it was done the Government might make full use of those powers. Even under the original law, members feared that the Government had powers which were too vast and that was the reason why they pressed for a modification of that law. Such being the case they could never agree to a more stringent law such as the one proposed.

It was stated in favour of Government that newspapers sometimes published very exaggerated reports and therefore deserved to be pulled up. And as an instance thereof it had been stated by the supporters of the measure that in connection with the recent Vidurasvatha disturbances some newspapers had published the news that as many as 31 persons had died as a result of the police firing whereas as a matter of fact only a few were dead and that it was on account of such exaggeration that the local mailics had been gagged. Apart from the statistics published by the newspapers, the Government themselves had issued a communique at first in which they quoted the number of dead as only 7 but very soon they themselves modified that figure and stated that 9 persons had died as a result of the shooting. Now the representatives of the Congress were averring that as many as 14 had been killed and were expecting that the number would go up surely to 18 and probably even to 32. In other words, if the popular version had over-stated the case, it was evident that the Government for their part had under-stated it, so that the one circumstance of exaggeration was not in itself sufficient for supporting Government's action in hav

having gagged the papers. It would be worthwhile for the Government to note that the more they tried to suppress a thing, the more it gained in strength. It mattered little whether the newspapers published accurate information or exaggerated reports so long as the Government had their own Publicity Officer whose responsibility it was to supply accurate information to the public. Government no doubt suspended the licence given to the newspapers. But, what actually happened? No doubt the local papers suffered. But outside papers began to give news and did the Government stop them? They did not. Besides, several of these papers wrote all sorts of carping criticisms against the Government, and some of them went to the extent of publishing most damaging types of cartoons relating to the head of the administration. The speaker was not sure if the head of the administration had seen some of those cartoons. Local papers were gagged no doubt. But all papers outside the State ridiculed the Government for their action. The action which the Government had taken on that connection was like a man closing his front door and thinking that no bird could enter his garden. What was the result of Government having taken steps at the time? They had to listen to and abide by the arbitrations of prominent men from outside.

The bill under reference treated as an offence even a refusal by any subject of the State to pay assessment until a certain question relating to him was decided by the Government. The speaker was not aware how such a thing could be regarded as an offence. No doubt the Government would not allow assessment to fall into arrear even though the individual refuses to pay. They had the power to collect and they would

would collect the assessment somehow. But that was a different matter. So long as one was entitled to certain relief from the Government, it was quite right for him to say that relief ought to be given to him before his tax was collected.

Proceeding, the speaker remarked that even the drafting of the bill did not appear to have been done with due care or precision and quoted clause 5(g) as an instance in point. He did not know whether it was an offence to induce a public servant to do an act which the Government themselves expect him to do but which he was not doing to the best of his ability. Suppose the speaker induced the Government or the concerned Member of Council not to press this bill. That would also amount to an offence under the said clause. It might perhaps be that the clause was borrowed from some other law in force in India. But that would not satisfy the speaker. It was his ambition that any law in force in Mysore should be such as to compel the respect from all parts of the world.

The PRESIDENT said that he would be glad to have a model Act prepared by the member.

Mr. K.T. BHASHYAM AYYANGAR replied that he would be equally delighted to prepare such a bill and that he was in fact hoping for a model legislation at no distant date.

Proceeding, he said that as the law stood, the Government might declare anything as an offence and the result of that would be that public workers would lose all their courage and public life itself would suffer. Every editor and every public worker

worker would rather have to withdraw from the field or in order to get on make it a religion to go on flattering the powers that be. This, he feared, would be a most unhealthy state of affairs. The best way for Government would be to allow newspapers to have their own way and even if they made mistakes, to help them simply to rectify their mistakes. By saying this he did not mean that the Government should have no anything whatever to do with the newspaper press. He was also one of those who wanted some control over the newspapers. But no restrictions should be placed on them at the very outset. Every newspaper must be allowed to publish whatever news and reviews it might like. And if it was found that a newspaper actually committed an offence, then it would be time for thinking of the punishment it deserved for it. Even then the punishment ought not to be given by the executive. It must be left for the courts of law to consider the nature of the offence and the punishment called for. Even after the courts meted out the punishment, it should be open to the party concerned to go in appeal to the higher court. In all other cases of offence and punishment, such a procedure had been allowed in law. Why in the case of newspapers particularly the powers should be summary and final was a matter which the speaker could not understand. It might be that the Government feared that a lenient view would tempt the editor to commit some offence again. But that was a matter which could not be helped. A thief might be once convicted. But coming out of the prison he might commit theft again. A murderer might come out of jail and think of committing murder again. These were not things which could be put a sudden stop to by any power on earth besides, it was not right for the Government to think that a paper could commit an offence, much less to think that the same editor would go on committing the same

the same offence repeatedly. This sort of distrust on the part of the Government would only beget similar distrust on the part of the public. In these circumstances he did not know why the Government should be so chary about anything published in newspapers. Even granting that nothing adverse was written in the newspapers, could the Government take it for granted that no one on earth had any adverse opinion relating to them? In a way the speaker would prefer open writings in papers whenever there was any criticism to be levelled against any body rather than to the Government suppressing news, in which case the only inevitable result would be that discontent would spread from place to place though in underground and assume proportions in course of time to an extent which it might be hard for any Government to face.

In the light of the forgoing arguments, the speaker hoped that the Government would see the justice of withdrawing the proposed measure and instead of resting content with the existing law have statesmanship enough to effect all necessary amendments to it with a view to rendering the Press law in Mysore a welcome measure, a model for all the rest of India to er late. If this was done, the speaker was certain that it would make for the ordered progress of the State. Otherwise it would be jeopardise the interests of the State.

The Assembly then rose for lunch and reassembled at 3-30 P.M.

11th June 1982.

9.30 to 5 p.m.

R

M. ~~[illegible]~~ CHAIRMAN SIR: Sir, on the ~~[illegible]~~ Press Bill, I want the permission of the President to speak in English. The difference in the angle of vision between the Government Officers and the non-officials is only this. ~~[illegible]~~ stands from the non-official point of view for public rights effectively shown to the Sovereign. And from the official point of view it is personal revenge Really shown to the Sovereign. It is on this as between these views that there is some difference of opinion ~~This that we disagree.~~

I wish to bring to the notice of this House that first we start on rumour, then it comes to gossip and innuendo and then it comes to propaganda. So, whether the propaganda that is done is good to the State or not is the thing that is on the anvil now. Newspapers thrive if the customers patronise ~~it.~~ The customers patronise a paper if what they require is printed in it ~~the paper.~~ From the stand-point ~~of view~~ of the editor, he wants freedom and he has absolutely no time to go through every correspondence that comes to him. Our newspaper editors are at a disadvantage when compared with editors of well-established papers like the Times of India, the Madras Mail or the Hindu because our editors here are just starting with very small capital. What they require at the hands of the Government is a fair ~~one~~ to represent the views of the people, but what the Government want is that what they represent should not be ~~[illegible]~~ to the subjects. ~~[illegible]~~ they do not ~~[illegible]~~ Very many of the reading public may not

(though some of them may)

their not
language on the face value and read between the lines, before accepting them as true, honest & correct.
So Government want to check rumour, gossip innuendo and propaganda on the part of the newspaper editors and the newspaper editors want on their part to see that they cater to the tastes of the public and thereby have a living. Between these two, the devil and the deep sea, the editor has to see that he thrives.

I do I wish to bring to the notice of the Government that after all, all of us wish that the state should prosper. There is not even one man here, whether he belongs to this party or that who does not wish well for the State. It is an irony of fate that the Mysore State has not got one single English newspaper of its own. What is the reason? Here we have not got capitalists. We have not got a corporate body to have a syndicate and for a paper. Every one is interested in educating the public and the Government and the people are equally interested. So I would appeal to the Government that the Press law may be so rectified that it may not be a mere copy of the British Indian law in Mysore Residency. (There is no Sovereign there but here we have one Sovereign. Both the Government and the people here are Hindus and Indians. Let us not copy British India. Allow some time to the people. Let them bring forward a bill which would be acceptable both to the Government and to the public. I request that this Bill may not be put to vote, but that it may be postponed to the next session so

enable the people to bring forward a bill which would be ~~to~~ acceptable both ~~the~~ to the people and to the Government.

Mr. T. LAKSHMANA RAO observed that the scope of the law under discussion was such as to make him feel that the measure had been conceived in a very narrow outlook. In the preamble itself the Government had made it plain that the underlying object of the measure was to have "efficient control over newspapers" and not meant to promote the growth of journalism in the State. In fact this latter view was altogether absent from the scheme of the law. He did not know why the Government viewed it in such a narrow light and why they should not have rendered it possible for the newspaper profession to progress, helping them at the same time to get over any unhealthy rivalry as between one paper and another.

The complaint against the existing law was that it was repressive and sometimes was oppressive. The new law had exposed itself to the complaint that it was quite suppressive, because at every stage, newspapers were destined to face difficulty and repression. In those circumstances, no one would be prepared to edit a paper however well he was backed up financially.

Section 4 of the draft bill sought to exercise strict control on "comments on public news". Commenting on public news was an ordinary right of any and every citizen and there was no justification for interfering with the exercise of that right by the people. If that section was enforced, nobody could, even with the best of motives, exercise freedom of speech. After all, it was worthwhile for Government to consider what indeed was the ideal of journalism. Psychologists had shown that more than heredity, environment was important. In this view, it was the duty of the Government to provide proper opportunities for newspapers

to develop. It was not the object of newspapers to publish unwarranted news either against the officers of the Government or against the Government itself. In fact, there were no editors of that kind in Ayesore. It might be that sometimes unverified reports appeared in some papers. But for that there was one important reason which the Government should understand with due sympathy and insight. The difficulties of the editors of papers were very many and varied. No doubt the editors had their own responsibilities with regard to the publication of news, but then, the Government would not be right laying all the blame at the doors of the editors only. It looked as though this law took only the darker side of the case into account, and the brighter side never appeared to have received consideration at the hands of its framers. Government were trying to justify the proposed law on the ground that it had been drafted only in view of requests from the members of the two Houses, but it would be pertinent to remark that what the members of the two Houses had been urging for so long was the repeal of the existing law and not the substitution of another law which was worse in so many respects. The public would be entitled to ask for an enquiry being held whether so many repressive clauses were called for at all before they lent their support to the draft bill. In the alternative, they were entitled to be furnished with facts and figures by the Government with a view to showing that such clauses were really called for. Even in cases where an editor was shown to have committed an offence, the question for consideration would be whether the offence was merely a technical offence or

~~either~~

one which warranted severe punishment. Like a race horse which could make no progress if the reins were held tight too tight, a newspaper could render no service if at every stage the sword of Damocles was hanging over it. Instead of exercising such an unhealthy control over newspapers at every stage, Government would be well advised in giving them due liberty of action particularly in view of the service which local vernacular papers were rendering to the cause of Kannada language and literature. This and other services of the papers had to be taken into account before Government judged whether any paper was good or not. He did not believe that the Government were altogether ignorant of these prime considerations with regard to newspapers. Rather, he thought that all these stringent measures were thought of by them for the main reason that the local Congress was assuming such importance in the State and getting such a strong hold over the masses that the Government had begun to dread it like a veritable devil and that therefore they were thinking of all possible measures to put it down.

It was true that one member had suggested at the previous session of the Assembly that the Press Law in Mysore should be redrafted on the lines of the British Indian law. But that was certainly not the general opinion of the country either then or at present. Even if it was the opinion sometime back, it must be borne in mind that the political situation in the country has undergone a vast change. The Government did not appear to be alive to this. The trend of the times was being mistaken by them. It w a mistake to suppose that the awakening of the poli

political consciousness of the people would be delayed by keeping the newspapers under their thumb. Political foresight and statesmanship would on the other hand dictate to the Government the wisdom of encouraging the growth of political life in the State. The last thing for any wise Government to do would be to prevent the dynamic dissemination of political news. After all, the ideals of a paper should not be judged so much by the news contained in it as upon its editorials. The Government might say that so many items of news published in a paper were open to objection. But they should also consider whether there have not been many more items which the editor in his wisdom had preferred not to publish. It was in this way that the Government should judge the bona fides of the editors. He did not believe that the Government had conducted any enquiries whatever on these lines. It was merely on account of their dread of the Congress that they had proposed this law. In a matter of fact, there was no reason for any Government to be afraid of the Congress. The Government would be mistaken if they thought that the growth of the Congress spirit in Mysore would jeopardise the sovereign rights of His Highness the Maharaja. The Government forgot that in proposing a law such as the one in question, they were trying to usurp for themselves all functions which should justly be exercised by only courts of law. For example the discretion to permit a paper to be issued or not as well as the discretion to suspend the license etc. were all powers too vast to be reserved for any executive. Even the powers proposed to be vested in the courts of law were too large. One clause empowers the registrar to revoke his own order made under

Next Para.

section 1. ut the circumstances under which such ~~large~~ power could be exercised had not been prescribed anywhere. In a word, all these powers could only be characterised as arbitrary. It s looked likely that even if instructions were sent to them by the executive officers of the Government, the magistrates would be bound to obey them. The whole procedure appeared the more like administrative than like judicial procedure. Even the magistrates were not expected to satisfy themselves whether there was any reason to justify the withdrawal of permission.

Again, magisterial action was necessarily dependent upon the nature of the reports submitted by the Police. For example, search warrants would be issued no doubt by a magistrate, but the execution thereof depended only on some low-paid police officer. It was unnecessary to explain all the ~~se~~ risks and difficulties to which the editors would be exposed if this power was vested in the police, particularly in view of the low level of education of many a police officer.

For all these reasons, ~~there~~ he said that the proposed law ~~was~~ was anything but satisfactory and it was his duty therefore to oppose it.

M. A.L. NEHRU said that the measure had been discussed by several members of the House from different points of view. All the speakers including those of the Congress party had agreed that a certain amount of control on newspapers was necessary. As regards details, he felt that there were certain drastic sections in the measure. One of them pertained to the demanding of the security. In the bill it had been stated that the magis-

~~trate may demand~~

magistrate may demand security, but it was not known whether the magistrates would not take it to mean shall.

It had been stated in the statement of objects and reasons that the bill had been brought up as a result of repeated requests made by the members of this House as well as those of the Legislative Council. While he did not dispute that point, he regretted that the measure had not been framed in a liberal outlook. Even so it was, the editors of newspapers were experiencing great difficulty in running their papers and the proposed law would certainly add to their difficulties. He would therefore suggest that [illegible] the section relating to security be deleted from the bill. Also in the section relating to bringing the Government or their officers or His Majesty's Government into contempt, etc., some more radical modifications were called for. No doubt under the bill, the High Court had been given revisionary powers, but he personally felt that appellate powers to the High Court would be much better. The measure required to be amended in these and other respects. He would therefore request the Government to take it back for the present and place it before the House some time later embodying therein the changes suggested by him and thus help more and more newspapers to come into existence and thrive in the country.

It had been remarked by one of the previous speakers, that was a Kannad country whose greatness had been sung by many a poet in the past. The name and fame of Kamadatu and the Kannada language and literature

had spread far and wide and commanded universal respect In view of the recent orders of Government, Kannada had been prescribed as the medium of instruction in ~~some of the high schools~~ some of the high schools as an experimental measure and there was no doubt that very soon, Kannada would be the medium of instruction in all the high schools and perhaps in the colleges also. In this view it had become necessary to have text books in all subjects in Kannada and this could be achieved only if due recognition and help was given to workers for Kannada. The editors and of papers being amont those who were toiling in the cause of Kannada, it was desirable that the law relating to newspapers should be liberalised and facilities given to them to get on in the profession.

In reply to the debate, Mr. S.P. PAJANGALACHARI stated that the bill under discussion was one to which the Government attached first rank importance. It had been debated upon in the House for one full day and therefore it was not necessary for him to explain at length the necessity for this bill. But without occupying more time that was absolutely necessary, he wished to explain certain essential features of the bill to meet some of the important points raised by those who had opposed it. Every one in the House had desired to discuss the bill with due thought and patience but it was a pity that some of the speeches, particularly the one made just before the House rose for lunch, seemed to be lacking in that virtue. Nobody need presume that Government had drafted or proposed this bill without due deliberation. The question had come up for long discussion at the previous session of the House and at the end of that discussion, he

had stated among other things that the law which was already on the statute book was preferable to the British Indian law and that he would request the House to consider calmly whether they would prefer to have it or to have another law on the lines of the British Indian Act and give their decided opinion in the matter In reply ~~to that remarks~~ one of the members of the requested House ~~said~~ that the Government might bring up a new law on the lines of the British Indian Act. In fact, that member had made a remark in making that request that half a loaf was better than no bread. That member was present in the House on the present occasion also and he hoped that that member would agree with the speaker that he had made the request referred to.

Dr. C.H. NARAYANA RAO interrupting, stated that he had no doubt said what the First Member of Council read from the proceedings of the House, but ~~there~~ he had also stated in addition

"that some of the provisions contained in the British Indian Law were incorporated in 1930 when the political situation was very tense, the non-co-operation movement was at its height and the most stringent action against a good lot of newspapers was considered necessary. Such provisions were certainly not called for in future. Anyhow, he was glad to note that there was no difference of opinion on the question that the law as at present existing should go and he therefore requested the Government to bring up a modified bill at the following session of the House and provide an opportunity to the members to discuss it on merits so that it might be liberalised to the extent possible"

He did not believe that those words which he had uttered at the previous session gave the meaning which the First Member of Council had sought to attribute to him.

Dr. C.H. NARAYANA RAO continuing said that it was not necessary to discuss what one member or another

another had stated at a previous session. What he was trying to make out was that as a result of the request made on behalf of the Assembly, Government has promised to bring forward a bill on the lines of the British Press Act and that was exactly what had been done by the Government on the present occasion. The proposed law had been drafted on the lines of the British Indian Act which was in force in all parts of British India including those Provinces which were being governed by Congress Ministries.

One of the opponents to the bill had made a statement on the previous day that that Act was likely to be repealed in the Provinces governed by the Congress Ministries. But so far as the speaker knew, there appears to be no such idea in those provinces. In fact, the ministries were making full use of the law. The speaker had in hand an extract from a paper from which it appeared that at a meeting of the Prime Ministers it had been agreed that "the ministers should be permitted to take necessary steps to control certain classes of newspapers, if necessary by demanding security." So he did not think that there was the Government would accept any proposal for the unconditional repeal of the existing law in British India.

The main question for consideration was whether newspapers should be allowed full and unrestrained freedom, or whether there should be some control over them. Some members were of opinion that there must be full and unrestrained freedom. Some others thought otherwise. But the general sense of the Assembly seemed to be that some sort of control should be kept in Government. Then Mr. Chaudhuri Lingayan who had an

vehemently opposed the measure had, towards the close of his speech, agreed that the newspapers should be subject to some control and that for this purpose the existing law might remain in force with some modifications. Even he had not pleaded for the total repeal of the Press Act. Thus, there was at no difference of opinion on the point that some control was absolutely necessary. The only question for consideration therefore was the particular form and the exact extent of that control. So any difference of opinion that existed could only refer to this particular question.

Some members had contended that the proposed law made for too much control. The arguments advanced in favour of that view were not so very convincing to him. One member had stated that in this the 20th century, such restrictions of legislation ought not to be brought forward at all. That member had perhaps forgotten that it was in this the 20th century that so many new circumstances had arisen necessitating new laws. Motor cars for example were of recent origin and even in these days of liberty and freedom, restrictions to motoring of speed etc., were found necessary in the interests of the safety of the lives of people. So that kind of an argument could not be of much use to any body.

It was also stated by some members that the Government had some needless misapprehensions or alterior motives in proposing this measure. And one member or two had definitely stated that the Congress Party had come to exercise a lot of influence over the members of the Government, in their dread for the Congress, had proposed this measure with a view to counteracting

that influence. Obviously those members had forgotten the fact that this mention of replacing the existing Press Law by another on the lines of the British Indian Act had been under consideration for some time past, at any rate much earlier than the Congress came to exercise any degree of influence in this State. It was a full year since the Government had promised to bring forward such a law and in fact, the first draft of the measure had been prepared soon after the Government made that promise, so that there was absolutely no gratification for anybody thinking that the objection of the Government was to counteract the Congress influence.

A few members had ventured the theory that the Government wanted that no newspaper should thrive in the State and therefore it was that they had drafted such a stringent law. The speaker had no hesitation whatever in giving the House and through it the general public, the sincere assurance that nothing was dearer to the heart of Government than that the newspapers in the State should be as large in numbers as possible, that they must take as prominent a part as possible in the public life of the State ~~and the country~~ as a whole and that every one of the papers should thrive and prosper. Nor was the Government in any doubt that newspapers worked on proper lines would ~~bound to~~ promote public good. Such papers would always be welcome as much to the Government as to the public. One might ask, if that was the view of the Government, why there should any such bill at all. That question he would try to answer in this manner ~~answer~~ answer thus; A law regulating control of newspapers was already on the statute book the members of both the Houses thought that the

too hard. In view of that opinion, Government had proposed a revised bill. Even in the revised bill, Government did not see that there was anything objectionable. Just as the Act in force in British India was proposed to be introduced in this State on the present occasion, even the statements of objects and reasons which was now in the hands of the members was similarly drafted on the lines of the statement which had been furnished by the Government of India at the time the Act was proposed there. Could it be said, he asked, that the Government of India also never wanted that no newspaper in India should exist or thrive ? The Government of India had then stated as under:—

> "Having regard to the existence of a movement which has for its object the overthrow of the present social and economic system by violent means and the constantly recurring outbursts of communal feeling, Government cannot safely relax the existing powers for the control of the press and unauthorised news-sheets and newspapers....

That was exactly the object of the Mysore Government also. It was not their object to stifle them to death or to turn them out beyond the borders of the State. He did not know how for the apprehension that

~~With regard to the observation of certain members that the Government were labouring under some misapprehensions and that therefore they had proposed the Bill, the speaker was tempted to make the same observation with regard to the opponents of this measure~~

~~misapprehension~~ not know how for the apprehension that

moment the proposed law was enacted, all newspapers would go out of existence was warranted. There were paper mills all over the country and yet newspapers were disappearing by the hundreds. Surely it could not be [illegible] every one of these papers was help-

The members of the House need not therefore entertain any apprehension that the proposed Law would affect adversely the newspapers in the State.

to untold difficulties. Similarly, it could not be said that all the papers would disappear if this measure became law.

Some members had raised the question whether Government could not take action in the case of newspaper offences under some other Acts already in force and suggested that instead of the Executive taking any action on their own initiative, they should empower the courts of law to hold regular judicial enquiries and that courts of law alone should order any punishments which particular editors might deserve. In this connection, he would like to remind the House that the chief purpose of all Acts like the one under consideration was that the Government should be enabled to take prompt action. There could be no objection in principle to stating that all cases involving those relating to sedition etc., should be heard and disposed of only by competent courts of law but matter for example had not been exhaustively dealt with in the Penal Code. Besides the trial in a court of law, especially when charges like sedition were in question, would necessarily be prolonged. In other words, the very object of such a legislation would be frustrated if any action to be taken against papers had to be taken only by courts of law. But this statement of the speaker should not be mistaken by any one as being tantamount to saying that the executive should have the final voice in important matters like this. That is why sufficient safeguards had been provided for on behalf of the newspapers such as appeals to the High Court, etc. The Member would also point the House that this point had never not come up for discussion for the first time on the present

occasion. So long ago as 1931 when a similar bill was under discussion before the ~~Imperial~~ Legislative Assembly, this very question was discussed at great length. In reply to that discussion, the then Law Member stated as follows:-

"My submission to this hon. House is that from the point of view of speedy administration in initial stages, it has been found necessary and no other course would eliminate the inevitable delays of a summons case dragging its weary length as is contemplated in the amendment. In the initial stages, it is undoubtedly action savouring of an executive character which is found necessary. But in order to rob that executive action of all those features which are objected to by the other side, we ~~have~~ have given the fullest possible rights to the High Court which by the combined action of the various sections really becomes a complete transaction."

Vertify.

The main point that the speaker wanted to make out was that in emergent cases, executive action by the Government was inevitable. For taking such action, it was ~~also~~ necessary that the executive must have the power. But subsequently when the case went up/before a court of law, it would set right any injustice which might have been done by the executive. So there was nothing new in the measure proposed by the Government here.

One or two members had taken objection to Mysore copying the British Indian law. One member indeed expressed the noble ambition that Mysore should provide model laws for all the rest of the world to emulate. The Government of Mysore had no such ideal or ambition. All that they wanted was public safety consistent with the experience that other Governments had gained. It would be wisdom for them if they were prepared for profiting by the experience of others. These were not matters on which any Government could afford to experiment.

experiment. A certain member had made a delightful promise to present the House with a perfect Act at no distant date. The speaker would patiently wait for such a day and until that day arrived, Government ~~were willing to~~ would rest content with laws which were considered as good enough.

Some members had asked why the editors of papers should first obtain Government permission at all and be called upon to appear before the Magistrates then. This point had already been answered by another member Mr. B.C. Mallikh. Government's permission was provided for even in the existing law. So, the provision in this behalf in the new law was nothing new.

Having said all this, the speaker had pleasure in stating that in view of the representations made by many a member, Government were prepared to delete clause 8 from the Bill under discussion, ~~and he hoped that it would satisfy the House as a whole.~~ After this deletion, the Bill would be merely a copy of the British Indian Law and the members need therefore have no more apprehensions about the measure.

Some members had observed that the securities which magistrates could demand from editors of papers might sometimes be so heavy that editors could not find it possible to pay. They had also observed that some other penal provisions were too hard. These were matters of detail which could be threshed out when the Bill went up before the Legislative Council and its Select Committee.

The Member proceeded to say that only recently he was discussing the question of the Newspaper Act with a certain gentleman connected with newspaper editing. In the course of that conversation, that gentleman told the speaker that newspapers were labouring under three main difficulties, viz., (1) that

that the provision in respect of Government permission or withdrawal thereof was hanging as a sword of Damocles; (ii) that whatever action Government might take against newspapers, the former were not bound to explain the reasons behind their action and (8) when once a license was suspended or withdrawn, the editor was compelled to go before the same Government for permission to resume his paper or start another in its place. If the clause 8 was dropped as already promised, not only would the law become a mere replica of the British Press Act, but all the three main difficulties complained of would at once disappear. In the first place, permission of Government would no longer be necessary. Secondly the reasons for any action taken by the Government would have to be explained in accordance with clause (c). Thirdly, the editors would no longer have the necessity of appearing before the same Government for permission to resume a paper the license of which had been suspended or publish another paper in the place because it was before the Courts of law that editors would have to appear in future for permission to edit papers.

As had already been explained, newspaper editors would find every safety in the provisions relating to appeals to the High Court. Surely the High Court's decision would be the last word on the subject, and if, in any particular case, the High Court felt that the Government were not justified in making the order in question, then necessarily the said order would be withdrawn or modified as the case may be.

Mr. Dhashyam Iyangar had stated that many an editor might not go in appeal at all. That

was a matter which nobody could help. If an aggrieved party did not go in appeal and secure the relief which he thought he was entitled to, surely the Government could not help him.

In conclusion, Dr. RAJAGOPALACHARI stated that the difficulties complained of by the several members would be removed under the proposed bill. similar law had been in force in various parts of British India and nothing untoward had happened anywhere there. The very circumstance that a large number of newspapers were thriving in British India was an indication that the law as in force in British India was nothing to be afraid of. Generally speaking, newspapers in Mysore were no doubt conducting themselves well enough. But one could not be sure that the same state of affairs would prevail for all time and that this was the only reason why some sort of control over the Press had been provided for. Government had noted for consideration the point urged by some of the members that the securities by which magistrates might demand might be very heavy in some cases. Government would consider this point with due sympathy, when the bill went up before the Select Committee. Not only this. The Select Committee would consider whether any other onerous clauses required to be made less stringent. It was not the idea of the Government to cause any harm to the any paper. Government had no hesitation in assuring the House that no needless trouble would be caused to any paper in the State. He also said that this was a party question, but was a matter of common int to the entire State. In view of this, he hoped the bill in question would receive the whole hearted support of the House.

As a last word on this question, he would state that it was not the letter of the law that matter so much as the spirit behind it. If the House agreed on this point and if in view of the Government's assurance that they would work the law in a generous spirit and the editors of papers also conducted themselves in a proper manner, then there would be no reason for anybody to apprehend any kind of trouble at any time in future.

The general principles of the bill were then put to vote. 58 members have voted in favour of the measure and 111 against. The

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NOTIFICATION.

No. 3880—L. C., dated Bangalore, 28th May 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the better control of the publication of newspapers and other printed works containing public news, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:— Preamble.

1. (1) This Act may be called the Mysore Newspapers Act, 193 Short tittle and extent.

(2) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5;

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

Permission to publish.

3. No newspaper shall, without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

4. (1) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

5. Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which end directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to prejudice the training, discipline, or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also

declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

6. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 5 or section 7, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 5 or section 7, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

7 (1) If after security has been deposited under section 6, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare--

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which

security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security forfeited in certain cases.

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

10. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 11, any person making a fresh declaration under section 5 of the Press and Registration

of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

Penalty for keeping press or publishing newspaper without making deposit.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6 as required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be,

or publishes such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

Consequence of failure to deposit security as required.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore shall be deemed to be annulled.

Return of deposited security in certain cases.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

15. Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises.

(i) Where any such property may be or may be reasonably suspected to be; or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheet and newspapers.

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

Penalty for disseminating unauthorised news-sheets and newspapers.

19. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspapers, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of newspaper, etc., containing objectionable matters.

20. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Non-transmission by Post.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Application to High Court to set aside order of forfeiture.

22. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 4 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 8, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 5, section 7, section 11 or section 20 may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 5, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

Hearing by Special Bench.

23. Every such application shall be heard and determined by a Special Bench of the High Court consisting of not less than two Judges.

Order of Special Bench setting aside forfeiture.

24. (1) If it appears to the Special Bench on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the

newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 22 that the printing-press was not used in contravention of sub-section (1) of section 13, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

25. On the hearing of an application under sub-section (1) of section 22 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

Procedure in High Court.

26. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service of Notices.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

28. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

Jurisdiction barred.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

Operation of other laws not barred.

30. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

Declarations before whom to be made.

31. All declarations required to be made under section 4, section 5 and section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

Repeal.

32. The Mysore Newspapers Act III of 1908 is hereby repealed.

Statement of Objects and Reasons.

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows:—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the

press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition, etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited, any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be annulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorise the Police to search for and seize them.

8. Unauthorised news-sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorised news-sheet or newspaper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the orders of Government demanding security either from the keeper of the press, or from the publisher of a newspaper, or from an order of Government forfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

Printed by the Superintendent at the Government Press, Bangalore

	Keeper of Printing Press	Publisher of Newspaper
Initial Deposit		
Not more than Rs. 1,000/-	Clause 4 (1)	Cl. 8 (1)
First Offence		
Not less than Rs. 500/- or More than Rs. 5,000/-	" 4 (3)	" 8 (3)
Last Declaration after Forfeiture		
Not less than Rs. 1,000/- or More than Rs.10,000/-	Clause 6 (1)	Cl. 10 (1)

Select Committee Report.

We the members of the Select Committee to whic.. the Mysore Newspaper Bill was referred have considered the several clauses of the Bill and have now the honour to submit this, our report.

We recommend that the preamble may be changed as follows:-

"Whereas it is expedient to amend the law providing for the control of the publication of newspapers and other printed works containing public news; it is hereby enacted as follows:-"

Clause 1: The title of the Act may be changed into "The Mysore Press Act" to indicate the comprehensive nature of the Act.

Clause 2:- The Bill is intended to apply to matter published by any means even though it may be written or typewritten. To make this clear the words "whether printed, handwritten or typewritten" may be added at the end of sub clause (2).

Paragraph (e) of sub clause (8) of this clause may be omitted as clause 3 is proposed to be omitted.

Sub clause (10) may be changed as follows so as to be in the affirmative form rather than the negative,-

"(10) "Undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under Section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.".

Clause 3:- This may be omitted and the subsequent clauses renumbered in view of the promise made in the Representative Assembly.

Clause 4:- In sub-clause (3) of this clause for the words "in respect of which security under the provision of this Act has not been required", substitute the words "in respect of which no security under the provisions of this Act has been required".

Clause 5:- In order to make the meaning clear it is desirable that sub clause (1) of this clause is split up with two sub clauses, one dealing with cases where security has been deposited, and the other dealing with cases where the deposit has been ordered, but not deposited. We accordingly recommend that the clause may be altered as follows:-

"5 (1) Whenever it appears to the Government that any Printing Press in respect of which any security has been ordered to be deposited under Section 4, (1) or (3) and has been so deposited, is used for the purpose of Printing or Publishing any newspaper book or other document containing any words, signs or visible representations which —

~~(a) to (i) as in Bill~~ ;

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion one of the nature described above, declare such security or any portion thereof, be forfeited to Government.

Explanations (1) to (4) as in Bill.

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly-

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Mharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of any land revenue,

tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such Printing Press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare such security or any portion thereof to be forfeited to Government.

Explanation.(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the

administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

~~5(2)~~ as in Bill.

~~5~~(3) Whenever it appears to Government that any Printing Press, in respect of which any security has been ordered to be deposited under ~~5~~ section 4(1) or (3) and has not been so deposited, is ~~and~~ used for the purpose of Printing or Publishing any newspaper, book or other document containing any words signs or visible representations of the nature described in Section 5, Sub Section (1), the Government may by notice in writing to the keeper of such Printing Press stating or describing such words signs or visible ~~representations~~ representations which in its opinion ~~all~~ are of the nature mentioned above declare the Press to be forfeited to Government.

~~5~~(4) The Government may, in addition to forfeiting the deposit or any portion thereof under 5(1), or forfeiting the Press or any portion thereof under 5(3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government."

Read—

Subject No. 56 of the Representative Assembly of 1917, (Dasara session) suggesting the repeal or modification of the Mysore Newspapers Regulation, 1908, and the reply of Government thereto.

Order—Camp No. J. 26-76 Legis. 31-17-1 dated 22nd April 1918.

Government have bestowed careful consideration on the question and are of opinion that it is inexpedient under present conditions to undertake any radical alteration of the Press Law. They, however, consider that, before action is taken against any newspaper under the Regulation, an adequate opportunity should be afforded to the editor or other person concerned, to state his defence and explain his position with reference to the charges brought against him. They are accordingly pleased to direct that a *quasi*-judicial enquiry shall be held before action is taken under sections 3 and 4 of the Regulation. The enquiry will be conducted by a Judge of the Chief Court and the editor or other person concerned will be allowed to be represented by council. The enquiry will not be public and will not be elaborate or of a protracted character. The opinion of the officer holding the enquiry will be taken into consideration by Government in arriving at a decision on the case.

C. S. BALASUNDARAM IYER,

Chief Secretary to Government.

To—The Registrar, Chief Court.
The Heads of Departments.
The Deputy Commissioners of Districts.
THE PRESS TABLE.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O No. Camp No. J. 26-76 Legis. 31-17-1 dated 22nd April 1918.

The Mysore Newspapers Regulation.

Re the repeal or modification of-

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

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Read—

Subject No. 56 of the Representative Assembly of 1917, (Dasara session) suggesting the repeal or modification of the Mysore Newspapers Regulation, 1908, and the reply of Government thereto.

Order—Camp No. J. 26-76 Legis. 31-17-1 dated 22nd April 1918.

Government have bestowed careful consideration on the question and are of opinion that it is inexpedient under present conditions to undertake any radical alteration of the Press Law. They, however, consider that, before action is taken against any newspaper under the Regulation, an adequate opportunity should be afforded to the editor or other person concerned, to state his defence and explain his position with reference to the charges brought against him. They are accordingly pleased to direct that a *quasi*-judicial enquiry shall be held before action is taken under sections 3 and 4 of the Regulation. The enquiry will be conducted by a Judge of the Chief Court and the editor or other person concerned will be allowed to be represented by council. The enquiry will not be public and will not be elaborate or of a protracted character. The opinion of the officer holding the enquiry will be taken into consideration by Government in arriving at a decision on the case.

C. S. BALASUNDARAM IYER,

Chief Secretary to Government.

To—The Registrar, Chief Court.
The Heads of Departments.
The Deputy Commissioners of Districts.
THE PRESS TABLE.